

WATER PERMIT NO. 2882-2

Name of Applicant: Serenity Cabins LLC., DBA Yak Ridge Guest Cabins

Address: 24041 Cosmos Road, Rapid City SD 57702 Phone: 605-972-2246

Amount of Water Claimed: 0.951 AF Total Acres: N/A

Source of Water Supply: Groundwater

Water to be used for: Commercial County: Pennington

Type of Waste Disposal System:

Location: Approx. 12 miles southwest of Rapid City

PRIORITY Date Received: 08-22-24

Application/License Fee: \$300.00

Corrected Application Received:

Period of Annual Use: January 1 – December 31

Remarks: 2 wells provide water to vacation rental cabins and a homestead.

Diversion Point: NE 1/4 NE 1/4 and SE 1/4 NE 1/4
Sec 32; all in T1S-R6E

Land to be Irrigated: N/A

Depth of Well: 160, 500

Well Driller: Alexander Drilling Inc.

Remarks:

Type of Map: aerial

				✕	
				✕	
			32		

Reviewed and the Number Assigned on: 08-22-24

By: **Rachel Rodriguez**

Notice of Hearing - date to intervene: _____

SOUTH DAKOTA
WATER PERMIT NO. 2882-2

Date of first receipt of application August 22, 2024.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 2882-2 to Serenity Cabins LLC dba Yak Ridge Guest Cabins, 24041 Cosmos Road, Rapid City SD 57702, authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 2882-2 appropriates up to 0.95 acre-feet of water annually at a maximum pump rate of 0.03 cubic feet of water per second from two existing wells completed into the Crystalline Rock Aquifer (160 and 500 feet deep) located in the NE 1/4 NE 1/4 and SE 1/4 NE 1/4 Section 32-T1S-R6E for commercial and domestic use. Water will be used in vacation rental cabins and the adjacent homestead in the area described above. This site is located approximately two miles north of Keystone SD.
2. The water appropriated shall be used for the purpose of domestic and 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. 2882-2 is November 12, 2024.
5. The date from which applicant may claim right is August 22, 2024.
6. One-fifth of the construction is to be completed on or before May 12, 2027.
7. All construction is to be completed on or before November 12, 2029.
8. Water is to be put to beneficial use on or before November 12, 2033.
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. 2882-2 are located near domestic wells and other wells which may obtain water from the same aquifer. Water withdrawals must 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 must report to the Chief Engineer annually the amount of water withdrawn from the Crystalline Rock Aquifer.
3. Water Permit No. 2882-2 authorizes a total annual diversion of up to 0.95 acre-feet of water from the Crystalline Rock Aquifer.

WATER MANAGEMENT BOARD

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

NOV 18 2024
date



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

RECEIVED

AUG 22 2024

OFFICE OF
WATER

Mail to:

SD DANR, Water Rights
523 E Capitol Ave
Pierre, SD 57501-3182

ph. (605) 773-3352

No. 2882-2 Hydrologic Unit 10120109

Basin Cheyenne

Newspaper Rapid City Journal

(office use only)

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

☐

Geothermal

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 Serenity Cabins LLC DBA Yak Ridge Guest Cabins
Mailing Address 24041 Cosmos Road Rapid City SD 57702
(Address) (City) (State) (Zip Code)
Phone 605-972-2246 Mobile 831 241 8613 Email Todd@Yakridge.com
- Amount of water claimed 0.03 *CFS or 14 **GPM and 8.951 ***AF or 310k Total Gallons/year
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 Ground Water (CRSL)
- Location of point of diversion 2 wells; NE 1/4 NE 1/4 SE 1/4 NE 1/4 sec 32 T15R6E County Pennington
(example - 3 wells in SW 1/4 NE 1/4 section 12-T104N-R53W)
If not a public water supply (e.g. municipal), will water be used outside of the area described above? ☒ Yes ☐ No
If "Yes," where will water be used? E 1/2 NE 1/4 SEC 32 T15R6E
(example - NW 1/4 section 12-T104N-R53W)
- County or counties where water will be used Pennington
- Annual period during which water is to be used Jan 1st - Dec 31st
- 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)

2 wells provide water to vacation rental cabins & Homestead.

I, D.T. Derley D.T. Derley, 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.

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 _____ Have test holes been drilled? ☐ Yes ☐ No Drilled by _____

(if yes, please provide copies of logs)

b) If existing wells, how many 2 Provide copy of log(s), if available. Drilled by Alexander Drilling Inc.

For either existing or proposed wells:

c) Well Depth (required) 160' + 500' Depth to Top of Water Bearing Material _____ Depth to Water from Surface 7' + 20'

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

Permit # 2824-2 AREA

2. Wastewater Disposal System Information

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

b) System Capacity (gallons) _____ Year Constructed _____

c) Connected to the City of _____ Sanitary System

3. Dugout Information

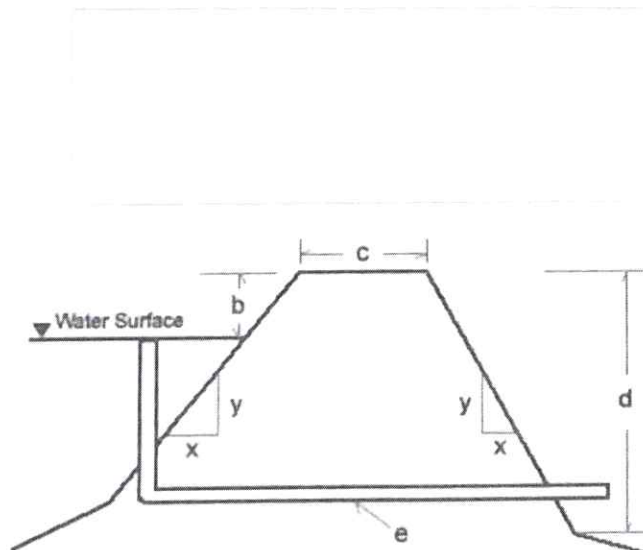
a) Surface Dimensions _____ Depth _____

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) Area of Impoundment _____

i) Storage _____ Acre Feet

j) Drainage Area Above Dam _____ Acres

Township: 1S 6E
Section: 32
QQ Sect: NWNE

Township: 1S 6E
Section: 32
QQ Sect: NENE

Township: 1S 6E
Section: 33
QQ Sect: NWNW

1S 6E
Section: 32

1S 6E
Section: 33
Ros Rd

Township: 1S 6E
Section: 32
QQ Sect: SWNE

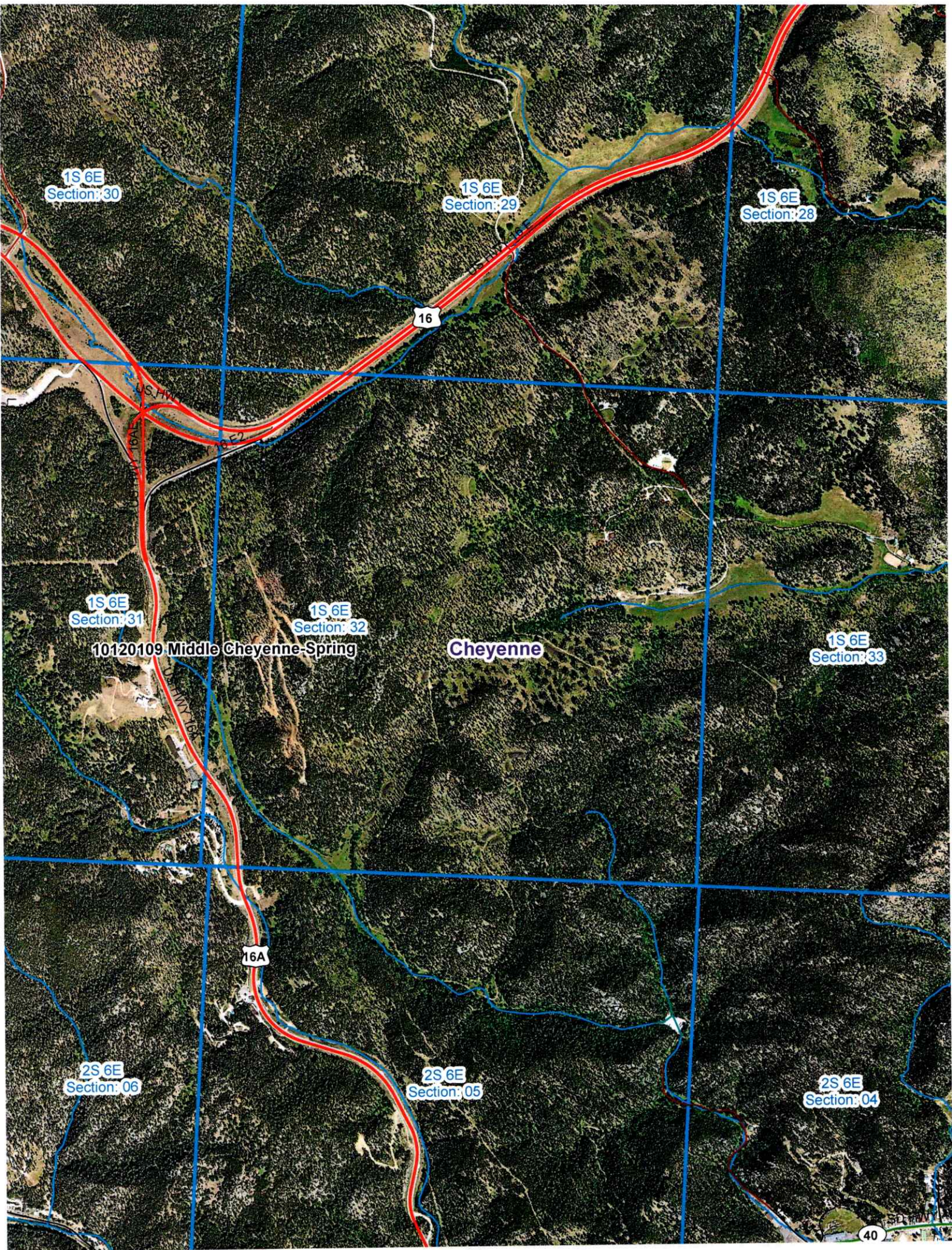
Township: 1S 6E
Section: 32
QQ Sect: SENE

Township: 1S 6E
Section: 33
QQ Sect: SWNW

RECEIVED

AUG 22 2024

FLORIDA
COUNTY



1S 6E
Section: 30

1S 6E
Section: 29

1S 6E
Section: 28

16

1S 6E
Section: 31

1S 6E
Section: 32

10120109 Middle Cheyenne-Spring

Cheyenne

1S 6E
Section: 33

16A

2S 6E
Section: 06

2S 6E
Section: 05

2S 6E
Section: 04

SOUTH DAKOTA WATER WELL COMPLETION REPORT

SD EForm - 1621LD V1

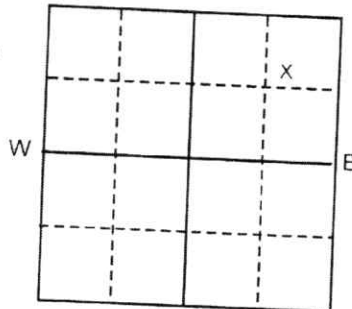
11-02

Location NE 1/4 NE 1/4 Sec 32 Twp 15 Rg 6E

County Pennington

North

Please mark well location with an "X"



Well Completion Date

7-7-2023

1 Mile

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

PROPOSED USE:

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

METHOD OF DRILLING:

Rotary downhole hammer

CASING DATA:

☒ Steel ☐ Plastic ☐ Other
If other describe 30' of 6" steel

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
LB/FT	IN	0.0 FT	28.0 FT	8.75 IN
LB/FT	IN	28.0 FT	160.0 FT	6.00 IN
LB/FT	IN	FT	FT	IN

GROUTING DATA:

Grout Type	No. of Sacks	Grout Weight	From	To
Portland II	4	Lb/gal	30.0 Ft	0.0 Ft
w/2% bent		Lb/gal	Ft	Ft

Describe grouting procedure
Thru trimmie pipe

SCREEN:

☐ Perforated pipe ☐ Manufactured
Diameter _____ Inches Length _____ Feet
Material _____
Slot Size _____ Set From _____ Feet to _____ Feet
Other information _____

WAS A PACKER OR SEAL USED?

☐ Yes ☒ No
If so, what material? _____
Describe packer(s) and location _____

DISINFECTION: Was well disinfected upon completion?

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

Well Owner: Julie Smoragiewicz

Business Name: Yak Ridge Cabins

Address: 24041 Cosmos Rd

City, State, Zip: Rapid City SD 57702

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
Broken Schist	0	25
Schist Gray Hard	25	40
Fracture 2 gpm	40	41
Schist gray Hard	41	125
Fracture 6 gpm	125	126
Schist gray hard	126	160

STATIC WATER LEVEL

7.0 FEET
If flowing: closed in pressure _____ PSI
GPM flow 6.0 through _____ Inch pipe
Controlled by ☐ Valve ☐ Reducers ☐ Other _____
Reduced flow rate _____ GPM
Can well be completely shut in?

WELL TEST DATA:

☒ Pumped Describe: w/air
☐ Bailed
☐ Other
Pumping Level Below Land Surface
_____ Ft. After _____ Hrs. pumped _____ GPM
_____ Ft. After _____ Hrs. pumped _____ GPM
If pump installed, pump rate: _____ GPM

REMARKS

This well was drilled under license # 324 and this report is true and accurate.

Drilling firm: Alexander Drilling Inc.

Signature of License Representative: _____

Signature of Well Owner or Equitable Property Holder: _____

RECEIVED

Date: 7/14/2023

JUL 31 2023

OFFICE OF
WATER

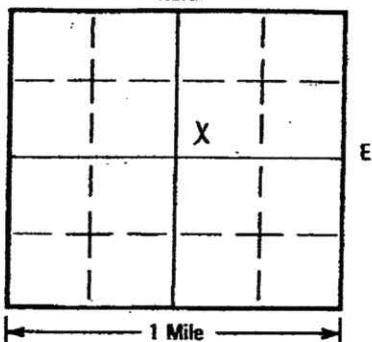
07-92

County Pennington

COPY^w

Well-Completion Date

10/10/14



Distance from nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)? 180 ft. from septic (identify source).

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

Rotary Downhole Hammer

CASING DATA: ☒ Steel ☐ Plastic ☐ Other
If other, describe Set 38' of 6" steel

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
_____ LB/FT	_____ IN	0 FT	36 FT	8 3/4 IN
_____ LB/FT	_____ IN	36 FT	500 FT	6 IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN

Grout Type	No. of Sacks	Grout Weight	From	To
Portland II	3	lb./gal	36 ft.	12 ft.
		lb./gal	ft.	ft.

Describe grouting procedure

Diameter _____ IN Length _____ FEET

Material _____

Slot Size _____ Set From _____ Feet to _____ Feet

Other information

If so, what material?

Describe packer(s) and location?

X YES. How: 60 Chlorine Sol

NO. Why Not?

Laboratory sent to for water quality analysis

Business Name:

Address: 3225 Sandstone Lane
Rapid City SD 57701

FORMATION

WELL LOG: FORMATION	DEPTH	
	FROM	TO
Drift / dirt-gravel	0	32
Hard grey schist Hd grey schist frac. - trace H ₂ O	32	45
Hard grey schist Grey schist frac - 1 gpm	45	56
Hard grey schist Grey schist frac. 2 gpm	56	57
Hard grey schist	57	200
Hard grey schist	200	201
Hard grey schist	201	370
Hard grey schist - broken	370	372
Hard grey schist	372	485
Grey schist frac. 3 gpm	485	486
Hard grey schist	486	560

STATIC WATER LEVEL

If flowing: closed in pressure _____ PSI

GPM flow 3 through _____ inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other_____

Reduced Flowrate _____ GPM

Can well be completely shut in? _____

☒ Pumped Describe: w/air☐ Bailed☐ Other

Running 1

Pumping Level Below Land Surface

_____ ft. After _____ Hrs. pumped _____ GPM

_____ ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate _____ GPM

REMARKS

RECEIVED

JAN 12 2015

WATER RIGHTS PROGRAM

This well was drilled under license # 324

And this report is true and accurate.

Drilling firm Amesbury Drilling Inc

Signature of License Representative: _____

Signature of Well Owner or Equitable Property Holder:

Date:

Rodriguez, Rachel

From: Peschong, Megan
Sent: Wednesday, August 21, 2024 3:07 PM
To: Konst, Shannon
Cc: Morrison, Amanda; Rodriguez, Rachel
Subject: FW: [EXT] Merchant Email Receipt

Thank you,

Megan Peschong, DANR Fiscal Program Assistant
523 East Capital Ave. Pierre SD 57501
Phone: 605-910-4705
Email: megan.peschong@state.sd.us

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

From: Auto-Receipt <noreply@mail.authorize.net>
Sent: Wednesday, August 21, 2024 3:06 PM
To: Van Bockel, Jenny <Jenny.VanBockel@state.sd.us>; Keiser, Darcy <Darcy.Keiser@state.sd.us>; Bigby, Beth <Beth.Bigby@state.sd.us>; Peschong, Megan <Megan.Peschong@state.sd.us>; Rousseau, Caitlin <Caitlin.Rousseau@state.sd.us>
Subject: [EXT] Merchant Email Receipt

===== SECURITY STATEMENT =====

It is not recommended that you ship product(s) or otherwise grant services relying solely upon this e-mail receipt.

===== GENERAL INFORMATION =====

Merchant : DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES (1869311) Date/Time : 21-Aug-2024 15:06:00 CDT

===== ORDER INFORMATION =====

Invoice :
Description : Water Rights Program
Amount : 307.50 (USD)
Payment Method: Visa xxxx8780
Transaction Type: Authorization and Capture

===== Line Items =====

===== RESULTS =====

Response : This transaction has been approved.
Auth Code : 08039G
Transaction ID : 120605597033
Address Verification : Street Address: No Match -- First 5 Digits of Zip: Match

===== CUSTOMER BILLING INFORMATION =====

Customer ID :
First Name : Dennis
Last Name : Derley
Company :
Address :
City :
State/Province :
Zip/Postal Code : 57702
Country :
Phone :
Fax :
E-Mail : todd@yakridge.com

==== CUSTOMER SHIPPING INFORMATION ===

First Name :
Last Name :
Company :
Address :
City :
State/Province :
Zip/Postal Code :
Country :

===== ADDITIONAL INFORMATION =====

Tax :
Duty :
Freight :
Tax Exempt :
PO Number :

RECEIPT

WATER RIGHTS PROGRAM South Dakota Department of Agriculture and Natural Resources

Date August 22nd, 2024

RECEIVED OF Serenity Cabins LLC DBA YakRidge Guest Cabins 24041 Cosmos Road Rapid City SD 57702

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	\$ <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>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

See

STATE OF SOUTH DAKOTA
Doing Business As (DBA)
Fictitious Business Name Registration

Yak Ridge Cabins
ID: UB272907

The address where the main office of the above listed business is to be maintained:

Physical Address:
24045 COSMOS ROAD
RAPID CITY, SD 57702

Mailing Address:
24045 COSMOS ROAD
RAPID CITY, SD 57702

The owners of the above listed business are:

Name	Address
Serenity Cabins LLC	Physical: 25 First Ave. SW STE A, Watertown, SD 57201, USA Mailing: 25 First Ave. SW STE A, Watertown, SD 57201, USA
Dennis Todd Derley	Physical: 24045 Cosmos Road, Rapid City, SD 57702, USA Mailing: 24045 Cosmos Road, Rapid City, SD 57702, USA
Catherine Laura Derley	Physical: 24045 Cosmos Road, Rapid City, SD 57702, USA Mailing: 24045 Cosmos Road, Rapid City, SD 57702, USA

The DBA/Fictitious Business Name registered above has a filing date of April 16, 2024, and is effective for a term of 5 years and will expire on April 16, 2029.

Monae L. Johnson
SD Secretary of State





**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. 2882-2, Serenity Cabins, LLC, dba Yak Ridge Guest Cabins**

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. 2882-2, Serenity Cabins, LLC, dba Yak Ridge Guest Cabins, 24041 Cosmos Road, Rapid City SD 57702.

The Chief Engineer is recommending APPROVAL of Application No. 2882-2 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. 2882-2 are located near domestic wells and other wells which may obtain water from the same aquifer. Water withdrawals must 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 must report to the Chief Engineer annually the amount of water withdrawn from the Crystalline Rock Aquifer.
3. Water Permit No. 2882-2 authorizes a total annual diversion of up to 0.95 acre-feet of water from the Crystalline Rock Aquifer.

See report on application for additional information.

Eric Gronlund, Chief Engineer
October 18, 2024

Report to the Chief Engineer

On Water Permit Application No. 2882-2

Serenity Cabins, LLC. dba Yak Ridge Guest Cabins

October 21, 2024

Water Permit Application No. 2882-2 proposes to appropriate up to 0.95 acre-feet of water annually at a maximum instantaneous diversion rate of 0.03 cubic feet per second (cfs) (approximately 14 gallons per minute (GPM)) from two existing wells completed into the Crystalline Rock aquifer (160 and 500 feet deep) located in the NE $\frac{1}{4}$ NE $\frac{1}{4}$, and SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 32-T1S-R6E for commercial and domestic use. Water will be used in vacation rental cabins and the adjacent homestead in the area described above. The site of interest is located in Pennington County approximately two miles north of Keystone, SD.

AQUIFER: Crystalline Rock (CRSL)

HYDROGEOLOGY:

The Crystalline Rock aquifer consists of many localized aquifers within the Precambrian-aged, crystalline core of the Black Hills, where extensive fractures and weathering zones allow for the transmission of water (Driscoll and Carter, 2001). The crystalline rock is generally exposed at land surface except where overlain by localized gravel deposits and alluvium along stream beds and topsoil (Martin et al., 2004; Redden et al., 2016). The crystalline rocks that comprise the aquifer have very low primary porosity, so water movement in the aquifer is controlled by secondary porosity, where groundwater flow is through fractures and faults (Rahn, 1979). The nature of secondary porosity is highly variable and unpredictable; therefore, local aquifer characteristics are site specific. The Crystalline Rock aquifer is estimated to have an outcrop area of approximately 574,000 acres (Rahn, 1979). Rahn (1979) estimated the effective porosity of the Crystalline Rock aquifer to be one percent of the outcrop area, while assuming groundwater is only recoverable in fractures and joints that typically only occur within a depth of 500 feet of ground surface, resulting in an estimated 2,900,000 acre-feet of recoverable water in storage for the Crystalline Rock aquifer in western South Dakota. Driscoll and Carter (2001) estimated the outcrop of the “Localized aquifers in the crystalline core area (Precambrian/Tertiary/Other)” to be approximately 616,800 acres.

The geology underlying the general location of the existing wells consists primarily of the Metagraywacke 2 (Quartz-mica schist and phyllite) (Xgw₂), and Meta conglomerate, quartzite, and metapelite (Xby) (Redden et al., 2016).

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 confined or unconfined at a specific site. 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. Generally, a well completed into the crystalline rock behaves in a manner more similar to a confined aquifer well.

Water well completion reports are on file for the existing wells proposed to be used by Water Permit Application No. 2882-2. Reiterations of the hydrogeology from the water well completion reports are displayed in Table 1 (Water Rights, 2024c).

Table 1. Water well completion reports submitted with Water Permit Application No. 2882-2

Well 1: Formation Log	From	To
Broken Schist	0	25
Schist Gray Hard	25	40
Fracture (2 GPM)	40	41
Schist Gray Hard	41	125
Fracture (6 GPM)	125	126
Schist Gray Hard	126	160
Date of Well Completion	07/07/2023	
Estimated Static Water Level (at well completion)	7	

Well 2: Formation Log	From	To
Drift /Dirt-Gravel	0	32
Hard Gray Schist	32	46
Hard Gray Schist (1 GPM)	46	57
Hard Gray Schist (2GPM)	57	201
Hard Gray Schist	201	370
Hard Gray Schist broken	370	372
Hard Gray Schist	372	485
Grey Schist Fracture (3 GPM)	485	486
Hard Gray Schist	486	500
Date of Well Completion	10/10/2014	
Estimated Static Water Level (at well completion)	20	

Figure 1 displays the location of the existing wells proposed to be used for Water Permit Application No. 2882-2, with the Crystalline Rock aquifer water rights/permits within approximately one mile (Water Rights, 2024b), and the significant fault locations (modified from Redden et al., 2016). Table 2 lists the water rights/permits displayed in Figure 1. It is highly likely the localized portion of the Crystalline Rock aquifer this application proposes to use is limited by these mapped faults and other significant geological features (such as, synclines and anticlines). Furthermore, the actual areal extent of the localized aquifer is likely even further limited by localized secondary porosity. However, information is not available to delineate an

exact extent of the localized aquifer. Based on the geologic features, it is highly likely only Water Right No. 2824-2 is possibly within the same localized aquifer as the aquifer this application's wells are completed into.

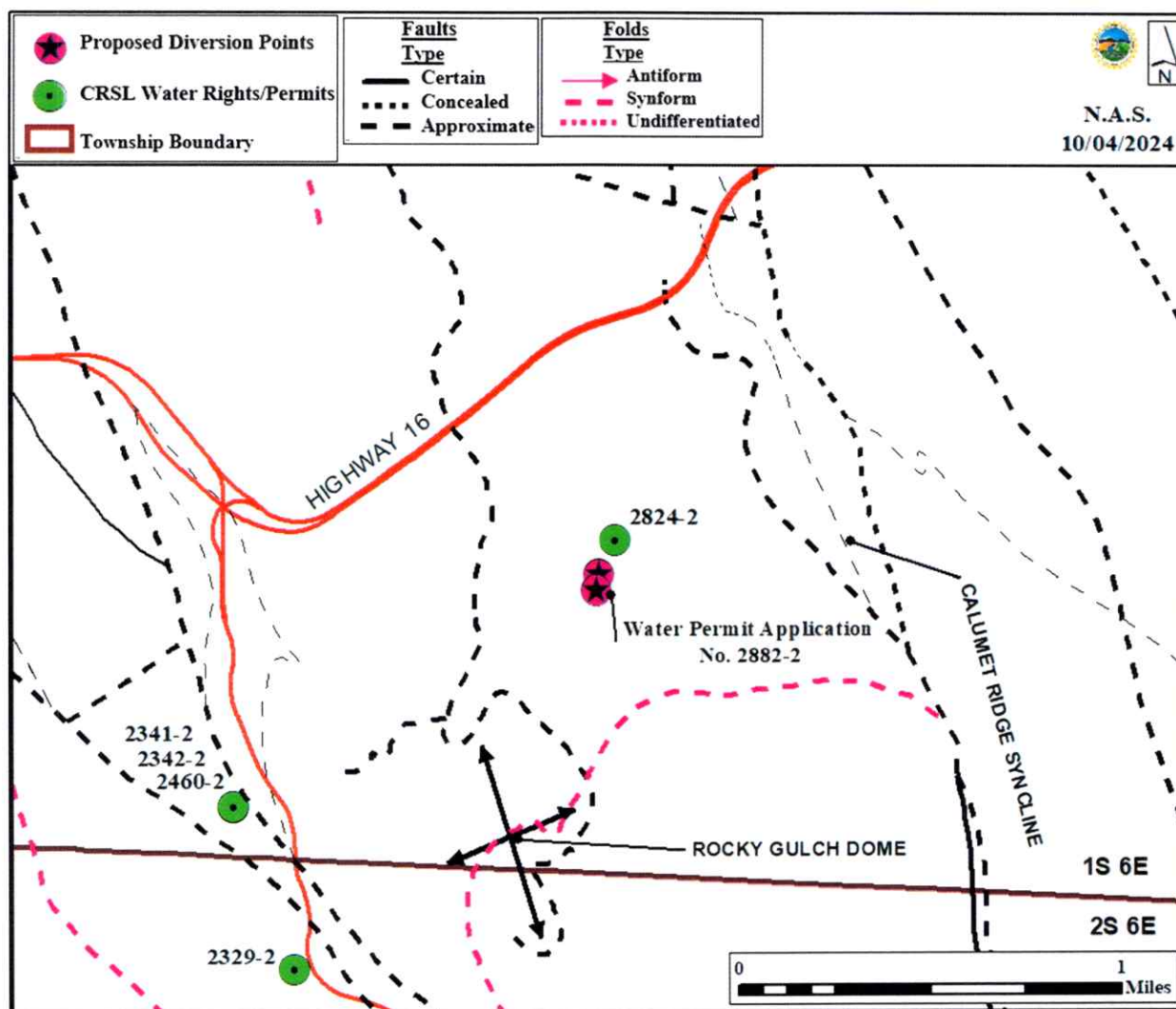


Figure 1. Location of the existing wells proposed to be used by Water Permit Application No. 2882-2 with the Crystalline Rock aquifer water rights/permits within approximately one mile (Water Rights, 2024b), and the significant fault locations (modified from Redden et al., 2016)

Table 2. Water rights/permits authorized to appropriate water from the Crystalline Rock aquifer within approximately one mile of the existing wells, as shown in Figure 1 (Water Rights, 2024b)

Permit No.	Name	Status	Use	Authorized Diversion Rate (cfs)	Authorized Annual Volume (acre-feet)
2329-2	Little Guys LLC	LC	COM	0.100	
2341-2	Danielle Banks	LC	COM	0.013	
2342-2	Danielle Banks	LC	COM	0.044	
2460-2	Kenneth D Knapp	LC	COM	0.033	
2824-2	Cosmos of the Black Hills	PE	COM	0.011	1
LC: Licensed Water Right; PE: Water Permit; COM: Commercial					

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 Crystalline Rock aquifer.

WATER AVAILABILITY:

Water Permit Application No. 2882-2 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 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 Crystalline Rock aquifer must be considered.

HYDROLOGIC BUDGET:

Recharge

Recharge to the Crystalline Rock aquifer is through the infiltration of precipitation and streamflow losses (Driscoll and Carter, 2001).

Driscoll and Carter (2001) estimated the average annual recharge rate, over the water years 1950 to 1998, to the Crystalline Rock aquifer in its entirety within the core of the Black Hills, must be at least equal to the average withdrawal rate of 3,600 acre-feet per year. Driscoll and Carter (2001) further concluded that the recharge to the Crystalline Rock aquifer must be much larger than the estimated 3,600 acre-feet per year to account for discharge to streams. Driscoll and Carter (2001) stated, in regard to the Crystalline Rock aquifer, “Recharge conditions are highly transient and have large spatial variability; thus, quantification is not attempted.” While looking at faults and other significant geological features may allow for some limiting of the areal extent, there is not sufficient data available to attempt a delineation of the localized Crystalline Rock aquifer near the existing wells with any level of certainty. Furthermore, the spatial variability and transient nature of the recharge means that even if there was a delineation for this Crystalline

Rock aquifer at the applicant's proposed location, simply applying the 3,600 acre-feet per year equally over the entirety of the aquifer is inappropriate. However, by utilizing Driscoll and Carter's (2001) estimated recharge rate of 3,600 acre-feet per year, or 0.07 inches per year, for the Crystalline Rock aquifer, a general sense of the minimum average annual recharge rate is provided. 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 average annual recharge rate must be much greater to account for discharge from the Crystalline Rock aquifer to streamflow. Therefore, there is no estimated average annual recharge rate available for the localized Crystalline Rock aquifer the applicant proposes to use.

Carter and Driscoll (2001) also estimated average annual yield potential. The average annual yield potential is essentially how much precipitation is left after subtracting evapotranspiration. Carter and Driscoll (2001) utilized a recharge factor to estimate how much of the annual yield could infiltrate and recharge a bedrock aquifer in the Black Hills, such as the Madison and Minnelusa aquifers. However, Carter and Driscoll (2001) did not estimate a recharge factor for the crystalline core of the Black Hills because the localized Crystalline Rock aquifers are not extensive regional aquifers and are highly variable in nature.

Figure 2 displays a map of the estimated annual yield potential from Carter and Driscoll's (2001) report, with the location of the existing wells for Water Permit Application No. 2882-2, and the location of the Crystalline Rock aquifer observation wells in western South Dakota (Water Rights, 2024a). The Crystalline Rock aquifer near the existing well locations has an estimated average annual yield potential of between approximately 1 and 2 inches per year (Driscoll and Carter, 2001). Average annual yield potential is not appropriate to use as a recharge rate for the Crystalline Rock aquifer, but it does provide a general sense of an upper limit of a possible recharge rate.

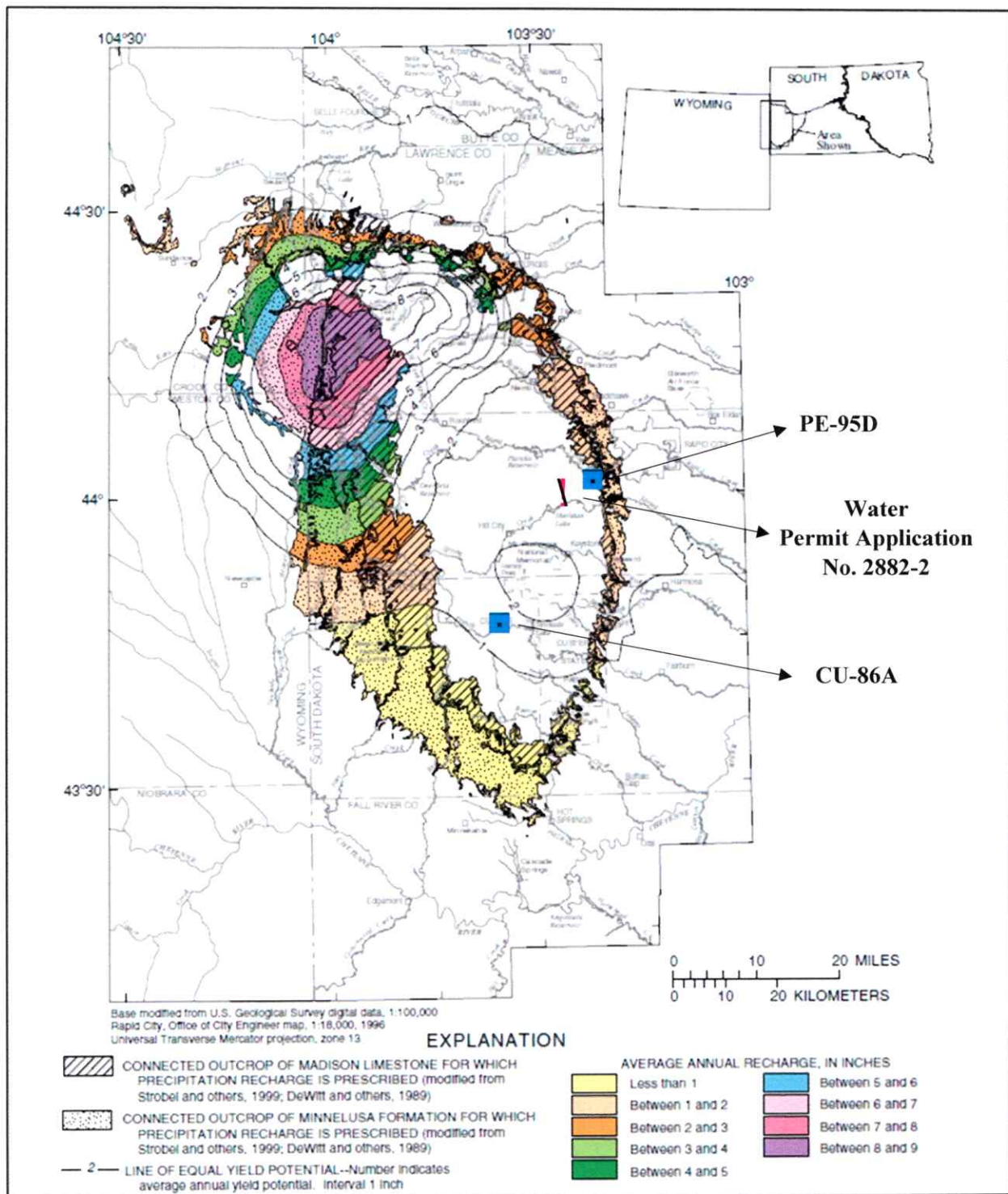


Figure 2. Estimated annual yield potential for the Black Hills in South Dakota and Wyoming for water years 1950 to 1998 (modified from Carter, J. M., Driscoll, D. G., Hamade, G. R., & Jarrell, G.J., 2001), with the location of the existing wells proposed to be used by Water Permit Application No. 2882-2, and the Crystalline Rock aquifer observation wells in western South Dakota (Water Rights, 2024a)

Discharge

Discharge from the Crystalline Rock aquifer is primarily through well withdrawals (Water Rights, 2024b and 2024c), seepage to streams (Driscoll and Carter, 2001), and evapotranspiration where the static water level of the aquifer is at or near the ground surface.

As shown in Figure 1, the existing wells proposed to be used by this application, and Water Permit No. 2824-2, are separated from other the nearby water rights by several faults (modified from Redden et al., 2016; Water Rights, 2024b).

Table 3 summarizes the water rights/permits authorized to appropriate water from the localized Crystalline Rock aquifer within the same region bounded by faults as the existing well, with the estimated annual use for each water right/permit as determined by their permitted maximum diversion rate or annual volume. 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 permitted 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 DANR-Water Rights Program for estimating annual withdrawals by non-irrigation appropriations from an aquifer and is likely an overestimation of average annual withdrawals (Water Rights, 2024b). Overall, the estimated average annual withdrawal rate from the localized Crystalline Rock aquifer by the currently authorized water rights/permits is approximately one acre-foot per year (Table 3) (Water Rights, 2024b).

Table 3. Estimated average annual water use for the water rights authorized to withdraw water from the localized Crystalline Rock aquifer within the same faults as the existing wells, with estimated use for Water Permit Application No. 2882-2 (if approved) (Water Rights, 2024b)

Permit No.	Name	Status	Use	Authorized Diversion Rate (cfs)	Authorized Annual Volume (acre-feet)
2824-2	Cosmos of the Black Hills	PE	COM	0.011	1
2882-2	Serenity Cabins LLC., DBA Yak Ridge Guest Cabins	<i>pending</i>	COM, DOM	0.03	0.95
LC: Licensed Water Right; PE: Water Permit; COM: Commercial; DOM: Domestic					

There are a number of domestic wells completed into the Crystalline Rock aquifer within the area of the existing wells that do not require a water right/permit, so the withdrawal amount from those wells is unknown (Water Rights, 2024c). There could potentially be other domestic wells completed into the Crystalline Rock aquifer near the existing wells that are not on file with the DANR-Water Rights Program. As noted earlier in the report, it is difficult to determine the areal extent of the localized Crystalline Rock aquifer due to the unpredictable nature of secondary porosity, therefore it is difficult to determine exactly how large a component of the hydrologic budget domestic use may represent.

However, 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 water use per capita by self-serve well users for the county of interest or an average use from across the state if county specific data is not available

in the Carter and Neitzert (2008) report on estimated water use in South Dakota. For Pennington County, self-supplied domestic water users withdraw approximately 70 gallons per day per capita. That is equivalent to approximately 0.2 acre-feet per year for each rural dwelling, assuming each dwelling has one well, using the previously mentioned assumptions, and that the dwelling is occupied year-round. There were six domestic wells identified within a one-half mile radius of the existing wells (Water Rights, 2024c). The DANR-Water Rights Program Well Completion Report database maps the reports at the centroid of the smallest geographic division provided on the report submitted by the well driller. Therefore, the locations as mapped are not the exact locations of the well. However, the data provides a sense of how many wells are in the general area.

There are six domestic wells on file within approximately a one-half mile of the existing wells that appear to be withdrawing from the same localized portion of the Crystalline Rock aquifer as the applicant's existing wells. Assuming 0.2 acre-feet per year for each rural dwelling, the six domestic wells within approximately a one-half mile equates to approximately 1.2 acre-feet per year. This domestic use estimation provided is to give a sense of scale to local domestic use from the Crystalline Rock aquifer rather than be an estimate for the use of each domestic well that may be present but not on record with the Water Rights Program.

Hydrologic Budget Summary

There is no estimated average annual recharge rate available for the localized Crystalline Rock aquifer. However, to provide a general sense of minimum and maximum recharge to the aquifer, Driscoll and Carter (2001) estimated a minimum recharge rate of 3,600 acre-feet per year, or 0.07 inches per year. It must be emphasized that, due to the transient and variable nature of the recharge conditions, this number is not necessarily reliable. Thus, it cannot be applied evenly across the entire outcrop of the crystalline rock in the Black Hills, and it does not account for other sources of recharge. Additionally, the average annual recharge rate must be much greater to account for losses from the Crystalline Rock aquifer to streamflow (Driscoll and Carter, 2001). Utilizing average annual yield potential, Driscoll and Carter (2001) provided broadly a general sense of an upper limit on a possible recharge rate to the Crystalline Rock aquifer ranging between approximately 1 to 2 inches per year.

The estimated average annual withdrawal rate for the water rights within the same faults as the existing wells, including the estimated use for Water Permit Application No. 2882-2 (if approved), is approximately 1.95 acre-feet per year. Assuming 0.2 acre-feet per year for each rural dwelling, the six domestic wells within approximately one-half mile equates to approximately 1.2 acre-feet per year. Collectively, the estimated average annual withdrawal rate is approximately 3.15 acre-feet per year.

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 DANR-Water Rights Program monitors two observation wells that have been historically considered as completed into the Crystalline Rock aquifer in western South Dakota (Water Rights, 2024a). These observation wells are PE-95D (approximately 6.8 miles northeast of the existing wells) and CU-86A (approximately 13.3 miles southwest of the existing wells) (Water Rights, 2024a). Kilts (2018) determined that observation well PE-95D is open to both the Deadwood Formation and the Crystalline Rock, so it is uncertain how representative observation well PE-95D is of either the Deadwood or Crystalline Rock aquifer. Therefore, only observation well CU-86A will be used in this analysis. The hydrograph for observation well CU-86A is displayed in Figure 3 (Water Rights, 2024a). 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.

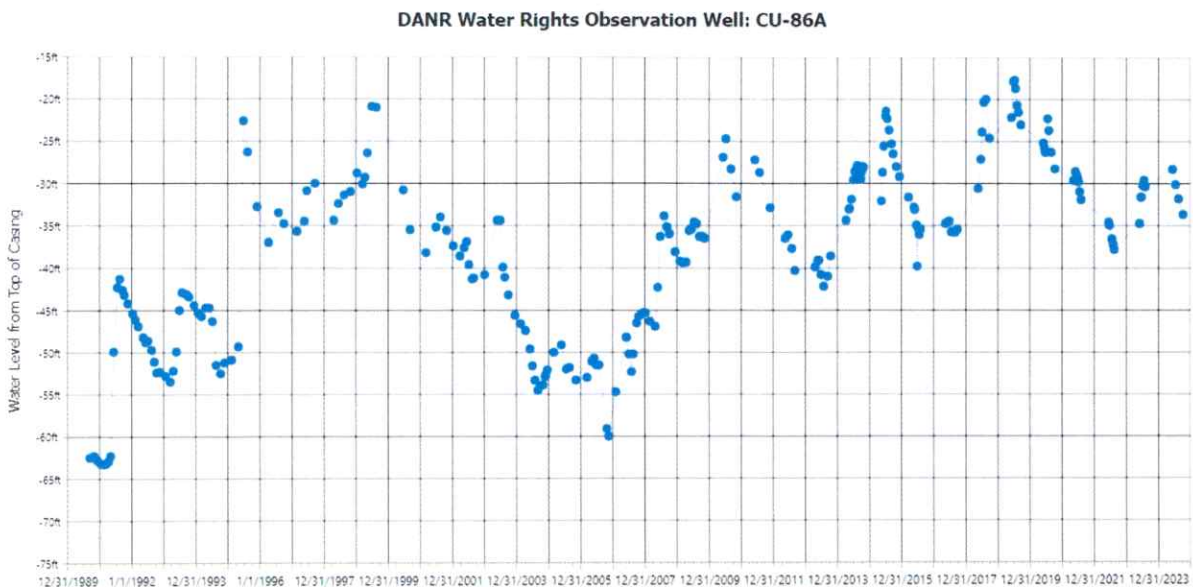


Figure 3. Hydrograph for observation well CU-86A (Water Rights, 2024a)

The hydrograph for CU-86A indicates the aquifer responds well to climatic conditions because water levels are rising during wetter periods (early spring snowmelt and precipitation) and declining to a stable water level during drier periods. Over the period of record, the water levels displayed on the hydrograph for observation well CU-86A have fluctuated approximately 45 feet in response to climatic conditions (Water Rights, 2024a). An examination of the hydrograph shows that any effects caused by pumping on the water levels of CU-86A are masked by 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. Both recharge to and natural discharge from an aquifer can be captured for pumping. Although observation well CU-86A is located approximately 13.3 miles southwest of the existing wells, the hydrograph still documents that recharge to the Crystalline Rock aquifer has occurred over the period of record (Water Rights, 2024a).

Driscoll and Carter (2001) stated that recharge to the Crystalline Rock aquifer must be much greater than the estimated 3,600 acre-feet per year to account for the groundwater discharge that contributes to the base flow to many streams and this statement is supported by the hydrograph for observation well CU-86A (Figure 3), which displays the water level generally rising over its period of record despite increased development of the localized aquifer in the area of the observation well.

When considering the hydrograph for observation well CU-86A, Driscoll's and Carter's (2001) commentary regarding recharge to the Crystalline Rock aquifer, and the relatively 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:

As shown in Figure 1, the existing wells proposed to be used by this application, and Water Permit No. 2824-2, are separated from other the nearby water rights by several faults (modified from Redden et al., 2016; Water Rights, 2024b). Water Permit No. 2824-2 is held by Cosmos of the Black Hills and the diversion point (~500 feet deep) for this permit is located approximately 0.1 miles and 0.13 miles respectively from the existing wells for this application (Figure 1 and Figure 4) (Water Rights, 2024b).

There are domestic wells on file with the DANR-Water Rights Program that are completed into the Crystalline Rock aquifer, with the closest domestic well on file (not held by the applicant) located approximately 0.1 miles southeast (~340 feet deep) of the existing wells (Table 4) (Water Rights, 2024c). There could potentially be other domestic wells completed into the Crystalline Rock aquifer near the wells the applicant proposes to use that are not on file with the DANR-Water Rights Program. The location of the domestic wells in the well completion report database maintained by the Water Rights Program is based on the location listed by the driller on the well completion report.

Table 4. Well completion reports on file with the DANR-Water Rights Program within approximately one-half mile of the existing wells and used in this analysis, as shown in Figure 4 (Water Rights, 2024c)

Number on Map	Name	Well Depth	Static Water Level (feet) (at time of well completion)	Aquifer (if log available)	Well Type	Year Completed
1	Mike Alsteel	340	50	CRSL	DOM	2023
2	Pat Wiederhold	135	25	CRSL	DOM	2020
3	Terry & Marsha Grader	75	12	CRSL	DOM	2020
4	Hubert Theissen	120	N/A	CRSL	DOM	1985
5	Bud Mosier	145	50	CRSL	DOM	1986
6	USDA Forest Service	85	15	CRSL	DOM	2009
CRSL: Crystalline Rock aquifer; DOM: Domestic						

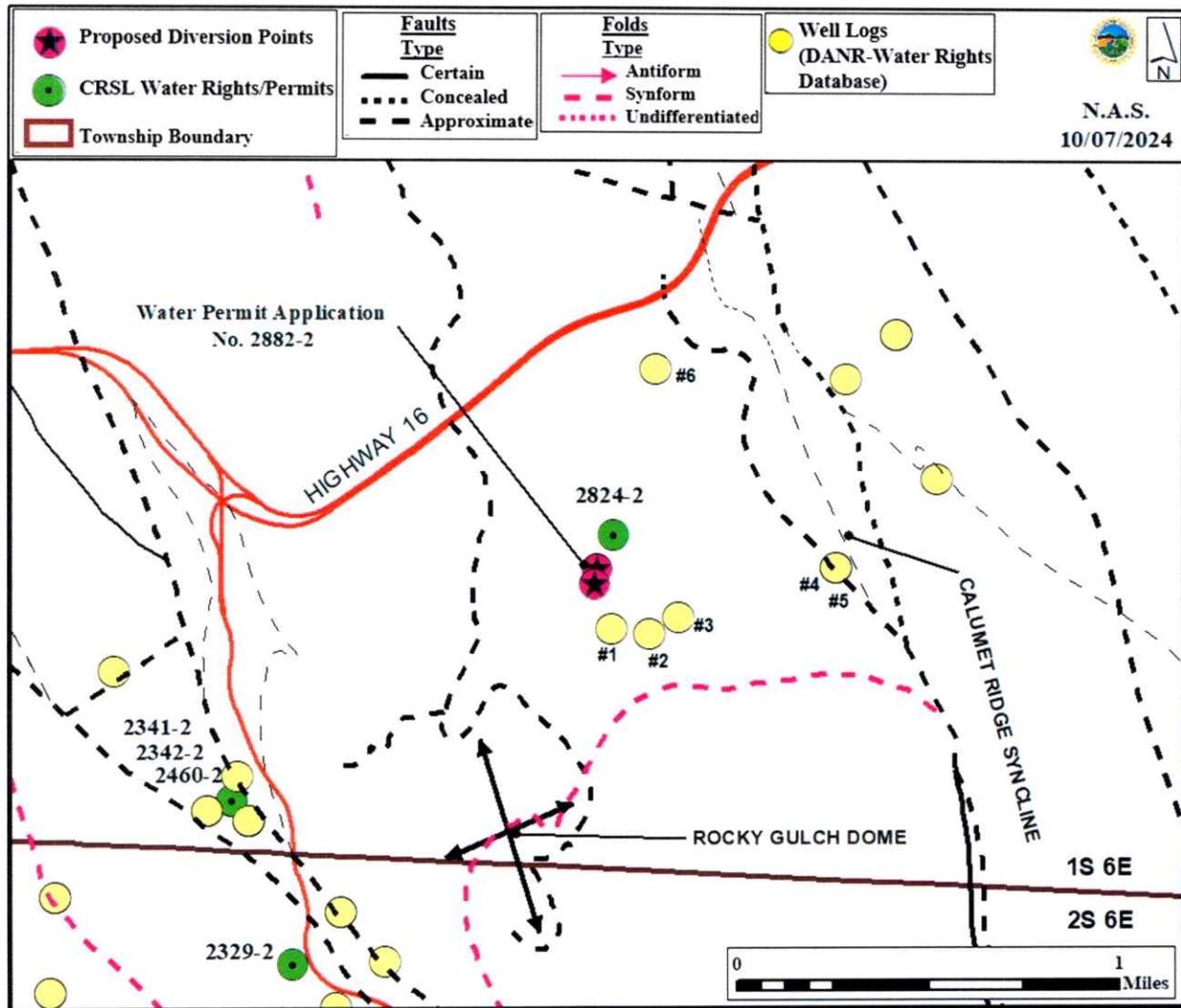


Figure 4. Location of the existing wells proposed to be used by Water Permit Application No. 2882-2, the Crystalline Rock aquifer water rights/permits (Water Rights, 2024b), and the well completion reports on file (DANR-Water Rights database) within approximately one mile (numbered logs include those used in analysis) (Water Rights, 2024c)

In Pennington County, there has been one complaint submitted to the DANR-Water Rights Program regarding potential well interference for wells completed into the Crystalline Rock aquifer (Water Rights, 2024d). The complaint involved Water Right No. 2572-2, held by Sheridan Lake Highlands HOA, during the initial development of the permit. In October of 2006, the Chief Engineer limited Water Right No. 2572-2 to a maximum diversion rate of 18 gallons per minute, which is also known as the limit for reasonable domestic use detailed in ARSD 74:02:01:01(7) (Water Rights, 2024b and 2024d). This well interference complaint was heard at a Water Management Board meeting and the Board concluded the permit holders had satisfied each of the factors set forth in SDCL 46-2A-12; additionally, no complaints have been reported since that hearing (Water Rights, 2024b and 2024d). The diversion points authorized under Water Right No. 2572-2 are located approximately 5.5 miles northwest of the existing wells

(Water Rights, 2024b). There have been no other complaints submitted to the DANR-Water Rights Program regarding well interference for adequate wells completed into the Crystalline Rock aquifer within Pennington County (Water Rights, 2043d).

In May of 2021, the Chief Engineer received a complaint regarding a number of entities near Rockerville, South Dakota (Pennington County) that were suspected of using water without proper permitting. Since then, the entities mentioned in this complaint have obtained the proper permitting necessary for their respective water withdrawals (Mathiowetz, 2021a and 2021b; Water Rights, 2024c).

Development of both appropriative and domestic use wells completed into the Crystalline Rock aquifer have continued with minimal history of well interference complaints in Pennington County. Water Permit Application No. 2882-2 is requesting a relatively limited diversion rate, appropriation volume, and the Crystalline Rock aquifer has large natural fluctuations of water levels that often mask or exceed drawdown caused by well pumping. Therefore, there is a reasonable probability this application can be developed without unlawful impairment of existing water right/permit holders or domestic users with adequate wells (Water Rights 2024b, 2024c, and 2024d).

An adequate well as defined in ARSD 74:02:04:20(6):

“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.”

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.”

Due to the very low primary porosity of the Crystalline Rock aquifer, and the highly variable and uneven nature of secondary porosity, 20 feet of saturated thickness above the pump inlet may not be sufficient for a dependable water supply. Without conducting an aquifer performance test, the precise drawdown effects caused by pumping a well cannot be determined. Over the period of record, the water levels shown on the hydrograph for observation well CU-86A (Figure 3) have fluctuated approximately 45 feet due to climatic conditions. Pump depth requirements for a well are detailed in ARSD 74:02:04:60(2), which states in part, “The depth of the pump setting shall

be determined by dividing the specific capacity into the required yield and adding at least 10 additional feet to maintain pump inlet submergence below the maximum anticipated drawdown, where possible.”

There is a reasonable probability that the proposed diversion by Water Permit Application No. 2882-2 will not unlawfully impair adequate wells for existing water rights/permits and domestic users because:

- Continued development of the Crystalline Rock aquifer has occurred without a significant history of well interference complaints (Water Rights, 2024d);
- The hydrograph for observation well CU-86A (Figure 3) showing natural fluctuations in water levels over the period of record (Water Rights, 2024a), along with Driscoll’s and Carter’s (2001) commentary, indicate there is natural recharge to the Crystalline Rock aquifer;
- Adequate domestic wells are protected under South Dakota Codified Water Law;
- Water Permit Application No. 2882-2 seeks to appropriate a relatively small annual volume of water; and
- The existing wells proposed to be used have been in place and are presumed to have been in use since approximately 2014 and 2023 respectively without any reported well interference complaints on file with the DANR-Water Rights Program (Water Rights, 2024b and 2024d).

If this application is approved, a qualification requiring the applicant to control their water withdrawals should be included, so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.

CONCLUSIONS:

1. Water Permit Application No. 2882-2 proposes to appropriate up to 0.95 acre-feet of water annually at a maximum instantaneous diversion rate of 0.03 cfs (approximately 14 GPM from two existing wells completed into the Crystalline Rock aquifer (160 and 500 feet deep) for commercial and domestic use. Water will be used in vacation rental cabins and the adjacent homestead in the area described above. The site of interest is located in Pennington County approximately two miles north of Keystone, SD.
2. Based on observation well data and the hydrologic budget, there is a reasonable probability that unappropriated water is available from the Crystalline Rock aquifer to supply the proposed appropriation.
3. There is a reasonable probability that the proposed diversion by Water Permit Application No. 2882-2 will not unlawfully impair adequate wells for existing water rights/permits and domestic users.
4. If this application is approved, a qualification requiring the applicant to control their water withdrawals, so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights, should be included.

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

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**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

October 21, 2024

Serenity Cabins LLC
dba Yak Ridge Guest Cabins
c/o Dennis T Derley
24041 Cosmos Road
Rapid City SD 57702

Dear Mr. Derley:

Water Permit Application No. 2882-2 for commercial use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice has been sent to the Rapid City printed in Rapid City SD (see contact information). You will need to contact the newspaper and authorize publication of this notice. For your information, a copy of the notice, the recommendation of the Chief Engineer and report on the application are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

Be sure to contact the above newspaper to authorize publication of your Notice and to arrange for payment. Early contact with the paper can eliminate delays. Upon receiving authorization from you, the publisher has been instructed to publish your notice. The newspaper has also been instructed to send us the Proof of Publication. We must receive Proof of Publication before action can be taken on the application.

Sincerely,

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. 2882-2 to Appropriate Water

Notice is given that Serenity Cabins LLC., dba Yak Ridge Guest Cabins, 24041 Cosmos Road, Rapid City SD 57702, has filed an application for a water permit to appropriate up to 0.95 acre-feet of water annually at a maximum pump rate of 0.03 cubic feet of water per second from two existing wells completed into the Crystalline Rock Aquifer (160 and 500 feet deep) located in the NE 1/4 NE 1/4 and SE 1/4 NE 1/4 Section 32-T1S-R6E for commercial and domestic use. Water will be used in vacation rental cabins and the adjacent homestead in the area described above. This site is located approximately two miles north of Keystone SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2882-2 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 12, 2024.

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 12, 2024.

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: Delaney Cornforth <leelegals@column.us>
Sent: Monday, October 21, 2024 2:11 PM
To: todd@yakridge.com
Cc: Rodriguez, Rachel
Subject: Re: [EXT] 2882-2 Serenity Cabins - Public Notice

Good afternoon,

Your notice is scheduled to be published in the The Rapid City Journal on October 31, 2024. **Your payment must be received by October 25, 2024 at 3:00 PM MDT.**

For your convenience, you can quickly access your invoice and pay securely online using a credit/debit card or bank transfer (ACH) by clicking this link:

www.column.us/invoices/eiS1InYBSXkd3ZtFfZ66/pay. Your Notice ID is:
[POGxSneCUecpGp8ACX4e](http://www.column.us/invoices/eiS1InYBSXkd3ZtFfZ66/pay)

You will be receiving a notification from Column Support with your proof, and a separate notification with your invoice once it is generated. If you don't see these, please check your spam folder and any email restrictions you may have.

The affidavit/proof of publication will be mailed to the requested address.

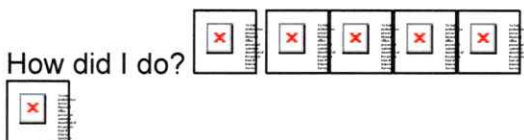
If you have any questions or concerns, please don't hesitate to let us know so we can look into it for you.

Thank you,

—

Delaney Cornforth

// Did you know that you can place your legal ad in minutes? Next time, visit column.us/place to submit your ad and follow the steps! [More information here.](#)



On October 21, 2024 at 11:16 AM CDT rachel.rodriguez@state.sd.us wrote:

Attached is a notice to be published on October 31, 2024.

Serenity Cabins LLC., dba Yak Ridge Guest Cabins, 24041 Cosmos Road, Rapid City SD 57702, 605-972-2246, todd@yakridge.com 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 Ave, Pierre SD 57501.

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

Thank you,

Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Monday, October 21, 2024 11:16 AM
To: RCY Legals
Subject: 2882-2 Serenity Cabins - Public Notice
Attachments: 2882-2 public.short_final.docx; FORM8.FRM.doc

Attached is a notice to be published on October 31, 2024.

Serenity Cabins LLC., dba Yak Ridge Guest Cabins, 24041 Cosmos Road, Rapid City SD 57702, 605-972-2246, todd@yakridge.com 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 Ave, 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



AFFIDAVIT OF PUBLICATION

Dennis Todd Derley
24041 Cosmos Road

State of New Jersey, County of Burlington, ss:

Bo Xiang, being first duly sworn, deposes and says: That (s)he is a duly authorized signatory of Column Software, PBC and duly authorized agent 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 on the following dates:

PUBLICATION DATES: October. 31 2024

NOTICE ID: POGxSneCUecpGp8ACX4e

PUBLISHER ID: COL-SD-1202

NOTICE NAME: 2882-2 Serenity Cabins

TOTAL AD COST: \$75.97

FILED ON: Oct. 21, 2024

Bo Xiang

(Signed) _____

VERIFICATION

State of New Jersey
County of Burlington

LIZA ORTIZ
NOTARY PUBLIC
STATE OF NEW JERSEY
My Commission Expires November 27, 2028

Subscribed in my presence and sworn to before me on this: 10/31/2024



Notary Public
Notarized remotely online using communication technology via Proof.

NOTICE OF APPLICATION NO. 2882-2 to Appropriate Water

Notice is given that Serenity Cabins LLC, dba Yak Ridge Guest Cabins, 24041 Cosmos Road, Rapid City SD 57702, has filed an application for a water permit to appropriate up to 0.95 acre-feet of water annually at a maximum pump rate of 0.03 cubic feet of water per second from two existing wells completed into the Crystalline Rock Aquifer (160 and 500 feet deep) located in the NE 1/4 NE 1/4 and SE 1/4 NE 1/4 Section 32-T1S-R6E for commercial and domestic use. Water will be used in vacation rental cabins and the adjacent homestead in the area described above. This site is located approximately two miles north of Keystone SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2882-2 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 12, 2024.

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 12, 2024.

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 October 31, 2024 for a total approximate cost of \$75.97 and may be viewed for free at www.sdpublishnotices.com)
Legal No: COL-SD-1202

Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Monday, October 21, 2024 2:22 PM
To: 'todd@yakridge.com'
Subject: 2882-2 Serenity Cabins - Public Notice
Attachments: 2882-2 Rec.pdf; 2882-2 Ltr.pdf; 2882-2 PubNotice.pdf; Invoice_RapidCityJournal.pdf

Good afternoon,

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

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





**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

NOV 18 2024

Serenity Cabins LLC
dba Yak Ridge Guest Cabins
c/o D.T. Derley
24041 Cosmos Road
Rapid City SD 57702

Dear Mr. Derley:

Enclosed is Water Permit No. 2882-2 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
Posting 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.: 2882-2

Name of Applicant: Serenity Cabins, LLC, dba Yak Ridge Guest Cabins, c/o D.T. Derley

Date of Posting: 10/29/2024

Date of Removal: 11/18/2024

Ron Duvall, Engineer III

11/18/2024

Date

Subscribed and sworn to before me, a notary public, this 18th day of Nov, 2024.

Notary Public - South Dakota

My commission expires: Rachel Rodriguez
My Commission Expires
May 16, 2029

(SEAL)

