

WATER PERMIT NO. 2892-2

Name of Applicant: **SD Game, Fish, and Parks Custer State Park**

Address: **13329 US Hwy 16A, Custer SD 57730**

Phone: **605-773-5092**

Amount of Water Claimed: **4.06 AF**

Total Acres: **N/A**

Source of Water Supply: **Groundwater**

Water to be used for: **Domestic**

County: **Custer**

Type of Waste Disposal System:

Location: **Approx. 8 miles southeast of Custer**

PRIORITY

Date Received: **04-15-25**

Application/License Fee: **\$300.00**

Corrected Application Received: **05-08-25**

Period of Annual Use: **April 1 – November 30**

Remarks: **2 wells will be used for horse watering**

Diversion Point: **NW 1/4 SW 1/4 Sec 7-T4S-R6E**

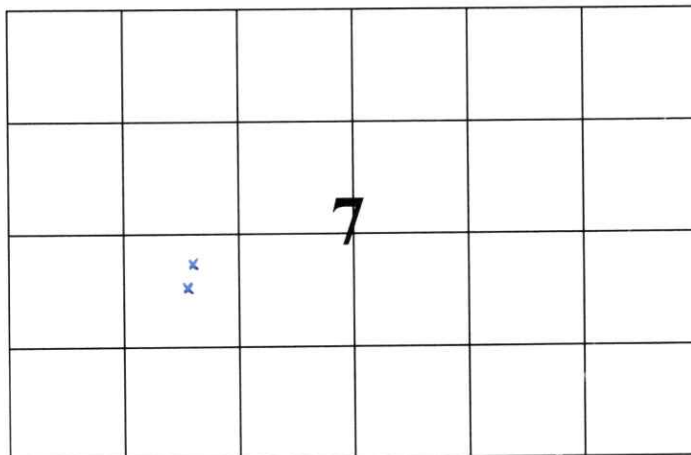
Land to be Irrigated: **N/A**

Depth of Well: **310**

Well Driller: **Howe Well Drilling**

Remarks:

Type of Map: **aerial**



Reviewed and the Number Assigned on: **XX**

By: **Rachel Rodriguez**

Notice of Hearing - date to intervene: _____

SOUTH DAKOTA
WATER PERMIT NO. 2892-2

Date of first receipt of application April 15, 2025.

Date of return to applicant for corrections, amendments or changes April 15, 2025.

Date of receipt of corrected application May 8, 2025.

The Acting Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 2892-2 to South Dakota Game Fish and Parks Custer State Park, 13329 US Hwy 16A, Custer SD 57730, authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 2892-2 appropriates up to 4.06 acre-feet of water annually at a maximum pump rate of 0.078 cubic feet of water per second from two wells, combined, completed into the Crystalline Rock Aquifer (approximately 310 feet deep) located in the NW 1/4 SW 1/4 Section 7-T4S-R6E for domestic use at the Custer State Park Horse Camp. This site is located approximately 8 miles southeast of Custer SD.
2. The water appropriated shall be used for the purpose of domestic use and may not exceed the amount of water needed for beneficial use.
3. The water is to be used during the following described annual period: April 1 – November 30.
4. The date of approval of Permit No. 2892-2 is July 28, 2025.
5. The date from which applicant may claim right is April 15, 2025.
6. One-fifth of the construction is to be completed on or before January 28, 2028.
7. All construction is to be completed on or before July 28, 2030.
8. Water is to be put to beneficial use on or before July 28, 2034.
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. 2892-2 are located near domestic wells and other wells which may obtain water from the same aquifer. Water withdrawals shall be controlled so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The permit holder shall report to the Chief Engineer annually the amount of water withdrawn from the Crystalline Rock Aquifer.
3. Water Permit No. 2892-2 authorizes a total annual diversion of up to 4.06 acre-feet of water.

WATER MANAGEMENT BOARD

By: Mark Mayer
Mark Mayer, PE
Director of Office of Water
Department of Agriculture and Natural Resources

9/10/25
date



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

RECEIVED
APR 15 2025
Water Rights
Program

Mail to: SD DANR, Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. <u>2892-2</u> Hydrologic Unit <u>10120109</u> Basin <u>Cheyenne</u> Newspaper <u>Custer County Chronicle</u> <u>Rapid City Journal</u> (office use only)
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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 SD GFP CUSTER STATE PARK.
Mailing Address 13329 US HWY 16A CUSTER SD 57730
(Address) (City) (State) (Zip Code)
Phone 605-773-5092 Mobile 605-515-3991 Email jason.gooder@state.sd.us
- Amount of water claimed 0.078 *CFS or 20 **GPM and 4.06 ***AF or _____ Gallons
Flow rate and volume are both required. (*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use)
- Source of water supply Ground Water
- Location of point of diversion NW 1/4, SW 1/4, SEC 7, TWP 4S, Rg 6E County CUSTER
(example - 3 wells in SW 1/4 NE 1/4 section 12-T104N-R53W)
If not a public water supply (e.g. municipal), will water be used outside of the area described above? ☐ Yes ☒ No
If "Yes," where will water be used? _____
(example - NW 1/4 section 12-T104N-R53W)
- County or counties where water will be used CUSTER County
- Annual period during which water is to be used April - November 30
- 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)

I, JASON GOODER
Name of Person

OPERATIONS Supervisor, the applicant, certify under
Title (if applicable)

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

2021-08

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

Supplemental Information

(type or print)

1. Well Information (check one or both as applicable)

☒ Drilling new well(s) ☐ Using existing well(s)

a) If new wells, how many 1 Have test holes been drilled? ☐ Yes ☒ No Drilled by HOWE WELL DRILLING
(if yes, please provide copies of logs)

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

For either existing or proposed wells:

c) Well Depth (required) 310' Depth to Top of Water Bearing Material _____ Depth to Water from Surface 29'

d) Distance to nearest domestic well on applicant's property 250' Property owned by others _____

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)

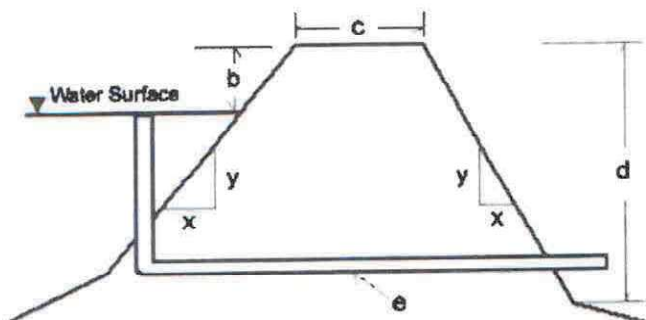
Upstream _____

Downstream _____

h) Area of Inpoundment _____

i) Storage _____ Acre Feet

j) Drainage Area Above Dam _____ Acres

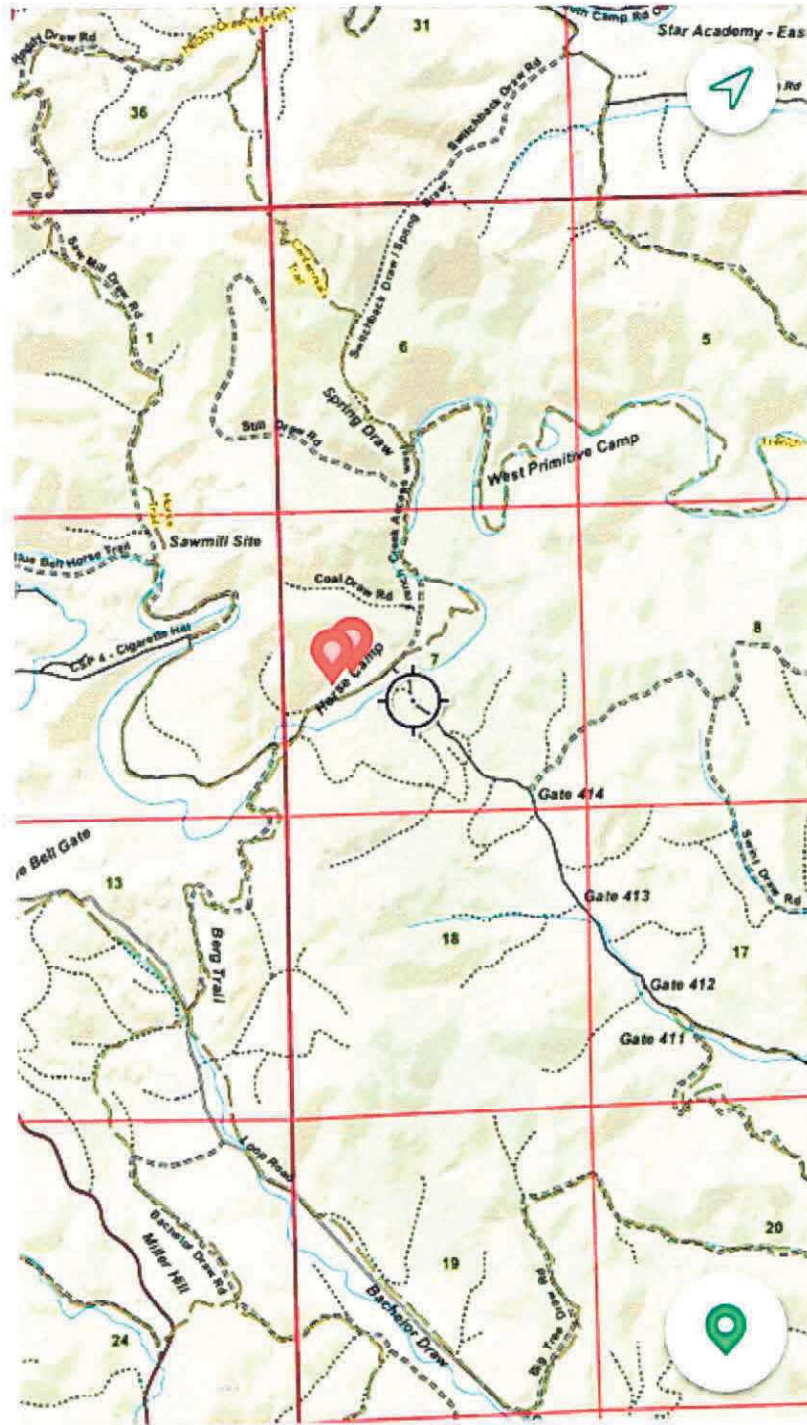


1:15

LTE



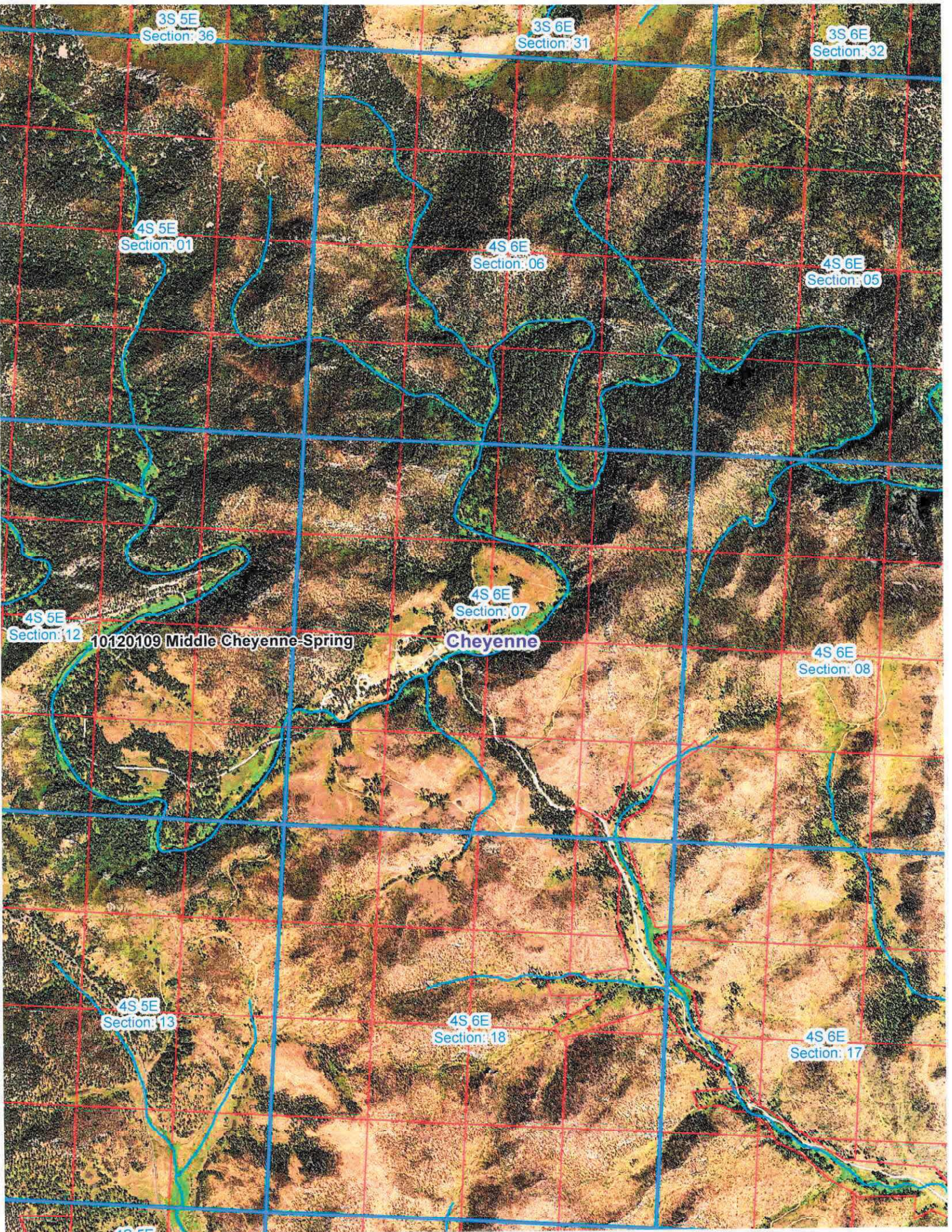
CSP Road Map (Internal Use Only)



43.714328, -103.449999







3S 5E
Section: 36

3S 6E
Section: 31

3S 6E
Section: 32

4S 5E
Section: 01

4S 6E
Section: 06

4S 6E
Section: 05

4S 5E
Section: 12

10120109 Middle Cheyenne-Spring

4S 6E
Section: 07

Cheyenne

4S 6E
Section: 08

4S 5E
Section: 13

4S 6E
Section: 18

4S 6E
Section: 17

SOUTH DAKOTA WATER WELL COMPLETION REPORT

07-92

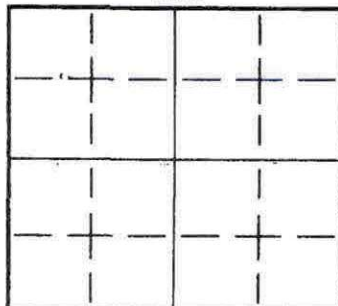
Location 1/4 1/4 Sec 7 Twp 4S Rg 6ECounty CUSTER North

Please mark well location with an "X"

W

E

Well Completion Date

12-02-96Well Owner: CUSTER STATE PARKBusiness Name: FRENCH CREEK HORSE CAMPAddress: H.C. 83, Box 70
Custer 57730-9705

WELL LOG:

DEPTH

FORMATION	FROM	TO
SILT/SCHIST BOULDERS	0	20
GRAY SCHIST/GRAVEL	20	30
MICA SCHIST	30	45
WHITE GRITTY CLAY	45	47
PEGMATITE MICA SCHISTS	47	300
AND QUARTZ STRINGERS		

LOCATION:

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

PROPOSED USE:

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

METHOD OF DRILLING:

AIR ROTARYCASING DATA: ☒ Steel ☐ Plastic ☐ OtherIf other describe

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
<u>18.9 LB/FT</u>	<u>6 5/8 IN</u>	<u>0</u>	<u>50 FT</u>	<u>8 IN</u>
<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>

GROUTING DATA

Grout Type	No. of Sacks	Grout Weight	From	To
<u>PORTLAND</u>	<u>10</u>	<u>14 lb./gal</u>	<u>50 ft</u>	<u>0 ft</u>
<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>

Describe grouting procedure PRESSURE GROUTEDTHROUGH CASINGSCREEN: ☐ Perforated pipe ☐ ManufacturedDiameter IN Length FEETMaterial Slot Size Set From Feet to FeetOther information WAS A PACKER OR SEAL USED? ☐ YES ☒ NOIf so, what material? Describe packer(s) and location?

DISINFECTION: Was well disinfected upon completion?

XX YES, How: CHLORINELaboratory sent to for water quality analysis NO, Why Not? STATIC WATER LEVEL 21 FeetIf flowing: closed in pressure PSIGPM flow through inch pipeControlled by ☐ Valve ☐ Reducers ☐ Other Reduced Flowrate GPMCan well be completely shut in?

WELL TEST DATA:

☐ Pumped Describe: AIR DEVELOPED☐ Bailed☒ Other

Pumping Level Below Land Surface

300 ft. After 2 Hrs. pumped 10 GPM200 ft. After 2 Hrs. pumped 7 1/2 GPMIf pump installed, pump rate GPM

REMARKS

DRILLER: FRANK CONWAY

This well was drilled under license # 195

And this report is true and accurate.

Drilling firm S. BICE DRILLING CO.

Signature of License Representative:

Frank Conway

Signature of Well Owner or Equitable Property Holder:

Date: 12-03-96

SOUTH DAKOTA WATER WELL COMPLETION REPORT

11-02

Location NW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec 7 Twp 4S Rg 6E

County

Custer

North

Please mark well location with an "X"

W

E

Well Completion Date

8/2/2024

1 Mile

Distance to nearest potential pollution source (Septic tank, abandoned well, feed lot, etc.)

? NO SEWER ft. from (identify source)

PROPOSED USE:

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

METHOD OF DRILLING:

Down Hole Hammer

CASING DATA:

☐ Steel ☒ Plastic ☐ Other

If other describe

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
<u>160.0</u> LB/FT	<u>6.00</u> IN	<u>0.0</u> FT	<u>40.0</u> FT	<u>8.75</u> IN
LB/FT	IN	FT	FT	IN
LB/FT	IN	FT	FT	IN

GROUTING DATA:

Grout Type	No. of Sacks	Grout Weight	From	To
<u>Portland</u>	<u>10</u>	<u>16.0</u> Lb/gal	<u>0.0</u> Ft	<u>40.0</u> Ft
<u>Cement</u>		Lb/gal	Ft	Ft

Describe grouting procedure

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 ☐ NoIf so, what material? Rubber

Describe packer(s) and location

DISINFECTION: Was well disinfected upon completion?

☒ Yes, How? Chlorine Tablets☐ No, Why Not?

Lab sample sent to for water quality analysis

Well Owner:

Business Name: Custer State ParkAddress: 13329 US Hwy 16ACity, State, Zip: Custer SD 57730

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
<u>Dirt/Pegmatite</u>	<u>0</u>	<u>30</u>
<u>Pegmatite/Shist</u>	<u>30</u>	<u>210</u>
<u>Pegmatite</u>	<u>210</u>	<u>310</u>

STATIC WATER LEVEL 29.0 FEET

If flowing: closed in pressure _____ PSI

GPM flow 30.0 through _____ Inch pipeControlled by ☐ Valve ☐ Reducers ☐ Other _____

Reduced flow rate _____ GPM

Can well be completely shut in?

WELL TEST DATA:

☐ Pumped Describe:☐ Bailed☐ Other

Pumping Level Below Land Surface

_____ Ft. After _____ Hrs. pumped _____ GPM

_____ Ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate: _____ GPM

REMARKS

RECEIVED

FEB 03 2025

OFFICE OF
WATERThis well was drilled under license # 363

And this report is true and accurate.

Drilling firm: Howe Well Drilling & Excavating, Inc.

Signature of License Representative:

Charles Howe

Signature of Well Owner or Equitable Property Holder:

Date: 8/6/2024

SOUTH DAKOTA WATER WELL COMPLETION REPORT

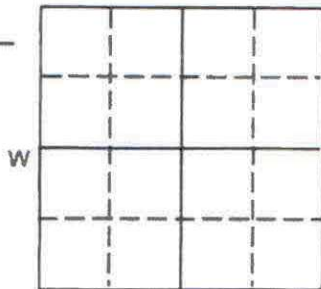
11-02

Location NW 1/4 SW 1/4 Sec 7 Twp 4S Rg 6E

County

Custer

North

Please mark well
location with an "X"

Well Completion Date

8/2/2024

1 Mile

Distance to nearest potential pollution source (Septic tank, abandoned well, feed lot, etc.)

? ft. from NO SEWER (Identify source)

PROPOSED USE:

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

METHOD OF DRILLING:

Down Hole Hammer

CASING DATA:

☐ Steel ☒ Plastic ☐ Other

If other describe

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
160.0 LB/FT	6.00 IN	0.0 FT	40.0 FT	8.75 IN
LB/FT	IN	FT	FT	IN
LB/FT	IN	FT	FT	IN

GROUTING DATA:

Grout Type	No. of Sacks	Grout Weight	From	To
Portland	10	16.0 Lb/gal	0.0 Ft	40.0 Ft
Cement		Lb/gal	Ft	Ft

Describe grouting procedure

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?

Rubber

Describe packer(s) and location

DISINFECTION: Was well disinfected upon completion?

☒ Yes, How? Chlorine Tablets
☐ No, Why Not?
Lab sample sent to for
water quality analysis

Well Owner:

Business Name: Custer State Park

Address:

18329 US Hwy 15A

City, State, Zip:

Custer SD 57730

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
Dirt/Pegmatite	0	30
Pegmatite/Shist	30	210
Pegmatite	210	310

STATIC WATER LEVEL

29.0 FEET

If flowing: closed in pressure _____ PSI

GPM flow 30.0 through _____ Inch pipeControlled by ☐ Valve ☐ Reducers ☐ Other _____

Reduced flow rate _____ GPM

Can well be completely shut in?

WELL TEST DATA:

☐ Pumped Describe:☐ Bailed☐ Other

Pumping Level Below Land Surface

_____ Ft. After _____ Hrs. pumped _____ GPM

_____ Ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate: _____ GPM

REMARKS

RECEIVED

FEB 03 2025

OFFICE OF
WATER

This well was drilled under license #

363

And this report is true and accurate.

Drilling firm: Howe Well Drilling & Excavating, Inc.

Signature of License Representative:

Charles Howe

Signature of Well Owner or Equitable Property Holder:

Date: 8/6/2024

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Agriculture and Natural Resources

Date April 30th 2025

RECEIVED OF SD Game Fish & Parks Custer State Park 13329 US Hwy 16A Custer SD 57730

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

Fee for Application for Permit No. <u>2892-2</u> to Appropriate Water, to construct and to put water to beneficial use	\$ <u>100.00</u>
Fee for Application for Permit No. _____ to Appropriate Water for Future use	\$ _____
Fee to retain Future Use Permit No. _____ after period of seven years.	\$ _____
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>2892-2</u>	\$ <u>200.00</u>
Fee for Filing Transfer Form _____	\$ _____
Fee for _____	\$ _____
Fee for Issuing New Well Driller's License No. _____	\$ _____
Fee for Renewal of Well Driller's License No. _____	\$ _____
Fee for Issuing Well Pump Installer's License No. _____	\$ _____
Fee for Renewal of Well Pump Installer's License No. _____	\$ _____
(Any Other Work Provided by Law)	TOTAL
	\$ <u>300.00</u>

By Mark Mayek
Chief Engineer



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

**RECOMMENDATION OF ACTING CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 2892-2, South Dakota Game Fish & Parks, Custer State Park**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Acting Chief Engineer, Water Rights Program, Department of Agriculture and Natural Resources concerning Water Permit Application No. 2892-2, South Dakota Game Fish & Parks, Custer State Park, 13329 US Hwy 16A, Custer SD 57730.

The Acting Chief Engineer is recommending APPROVAL of Application No. 2892-2 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. 2892-2 are located near domestic wells and other wells which may obtain water from the same aquifer. Water withdrawals shall be controlled so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The permit holder shall report to the Chief Engineer annually the amount of water withdrawn from the Crystalline Rock Aquifer.
3. Water Permit No. 2892-2 authorizes a total annual diversion of up to 4.06 acre-feet of water.

See report on application for additional information.

Mark Mayer, PE
Director of Office of Water
July 2, 2025

Report to the Chief Engineer
On Water Permit Application Nos. 2891-2 and 2892-2
South Dakota Game Fish & Parks – Custer State Park

June 26, 2025

Water Permit Application No. 2891-2 proposes to appropriate up to 6.0 acre-feet of water annually at a maximum instantaneous diversion rate of 0.067 cubic feet per second (cfs) (approximately 30 gallons per minute (gpm)) from one existing well completed into the Crystalline Rock aquifer (220 feet deep) located in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 32-T3S-R6E. Water will be used for public consumption and staff accommodations at the State Wildland Fire Office in Custer State Park. This site is located in Custer County approximately seven miles southeast of Custer, SD.

Water Permit Application No. 2892-2 proposes to appropriate up to 4.06 acre-feet of water annually at a maximum instantaneous diversion rate of 0.078 cfs (approximately 35 gpm) from two existing wells completed into the Crystalline Rock aquifer (300 and 310 feet deep) located in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 7-T4S-R6E. Water will be for domestic use at the Custer State Park Horse Camp. This site is located in Custer County approximately eight miles southeast of Custer, 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 (Fagnan, 2023; Martin et al., 2004; and Redden & DeWitt, 2008). 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 Gravel Deposits (QTg), which include unconsolidated to loosely consolidated, clay- to boulder sized clasts comprised of Precambrian lithologies and minor Paleozoic lithologies deposited as part of

or redistributed from the White River Group; Quartzite and Schist (Xqs), which include thick-bedded quartzite with interbeds of quartz-mica schist and quartz-mica-sillimanite schist, lacking interbedded phyllite or graywacke; Metabasalt (Xmb), which consists of amphibolite; and Harney Peak Granite (Xh) (Fagnan, 2023).

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 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 Nos. 2891-2 and 2892-2. Reiterations of the hydrogeology from the water well completion reports are displayed in Table 1 (Water Rights, 2025c).

Table 1. Water well completion reports submitted with Water Permit Application Nos. 2891-2 and 2892-2 (Water Rights, 2025c)

Water Permit App No. 2891-2					
Well 1: Formation Log	From	To			
Drift & Gravel	0	35			
Brown Broken Schist	35	130			
Schist & Quartz	130	145			
Quartz Fracture 10 gpm	145	147			
Schist & Quartz	147	188			
Quartz Fracture 10 gpm	188	191			
Hard Schist	191	220			
Date of Well Completion	03/17/2025				
Estimated Static Water Level (at well completion)	50				
Water Permit App No. 2892-2					
Well 1: Formation Log	From	To	Well 2: Formation Log	From	To
Silt/Schist Boulders	0	20	Dirt/Pegmatite	0	30
Gray Schist/Gravel	20	30	Pegmatite/Schist	30	210
Mica Schist	30	45	Pegmatite	210	310
White Gritty Clay	45	47			
Pegmatite Mica Schists & Quartz Stringers	47	300			
Date of Well Completion	12/02/1996		Date of Well Completion	08/02/2024	
Estimated Static Water Level (at well completion)	21		Estimated Static Water Level (at well completion)	29	

Figure 1 displays the location of the existing wells proposed to be used by Water Permit Application Nos. 2891-2 and 2892-2, with the Crystalline Rock aquifer water rights/permits within approximately three miles (Water Rights, 2025b), and the significant fault locations (modified from: Fagnan, 2023 and Redden & DeWitt, 2008). Table 2 lists the water rights/permits displayed in Figure 1. It is highly likely the localized portions of the Crystalline Rock aquifer these applications propose to use are limited by these mapped faults and other significant geological features (such as, synclines and anticlines). Furthermore, it is likely the actual areal extents of the localized aquifers are even further limited by localized secondary porosity. However, information is not available to delineate an exact extent of each of the localized aquifers.

According to the South Dakota Geological Survey (SDGS) “Current Projects – Geologic Mapping in the Black Hills at 1:24,000 (24k) scale” webpage for the 7.5 Minute Series Geologic Quadrangle Maps to the north (Iron Mountain), northeast (Hayward), and east (Butcher Hill) of the Mount Coolidge Quadrangle Map (which the existing wells are located in) are still in progress (SDGS, 2025). Therefore, the 24k structure data is not available to determine if the wells authorized by Water Right No. 2028-2 are withdrawing from the same localized fracture/aquifer as the existing wells proposed to be used, and the structure data from Redden & Dewitt (2008) was utilized for the area outside of the available 24k mapping data from the SDGS. Given the distance between Water Permit Application No. 2891-2 and Water Right No. 2028-2 (approximately 2.4 miles to the northeast), and a prominent fault near the withdrawal site for Water Right No. 2028-2, it is unlikely Water Permit Application No. 2891-2 and Water Right No. 2028-2 are withdrawing from the same localized aquifer.

Based on the geologic features shown in Figure 1, each of the applications existing well(s) proposed to be used, are separated from each other (Water Permit Application No. 2892-2 existing wells are expected to be withdrawing from same localized aquifer but separate from the localized aquifer the existing well proposed to be used by Water Permit Application No. 2891-2 is withdrawing from) (SDGS, 2025; Water Rights, 2025b).

Given the distance and structures between the existing wells for Water Permit Application No. 2892-2, and Water Right No. 1027-2, it is not expected these wells are withdrawing from the same localized aquifer as the aquifer the existing wells proposed to be used by Water Permit Application No. 2892-2. The same reasoning was concluded for the existing well proposed to be used by Water Permit Application No. 2891-2 and the wells authorized by Water Right No. 2028-2, even with the lack of geologic structure mapping being completed for the areas to the north, northeast, and east of the existing well for Water Permit Application No. 2891-2 (SDGS, 2025; Water Rights, 2025b).

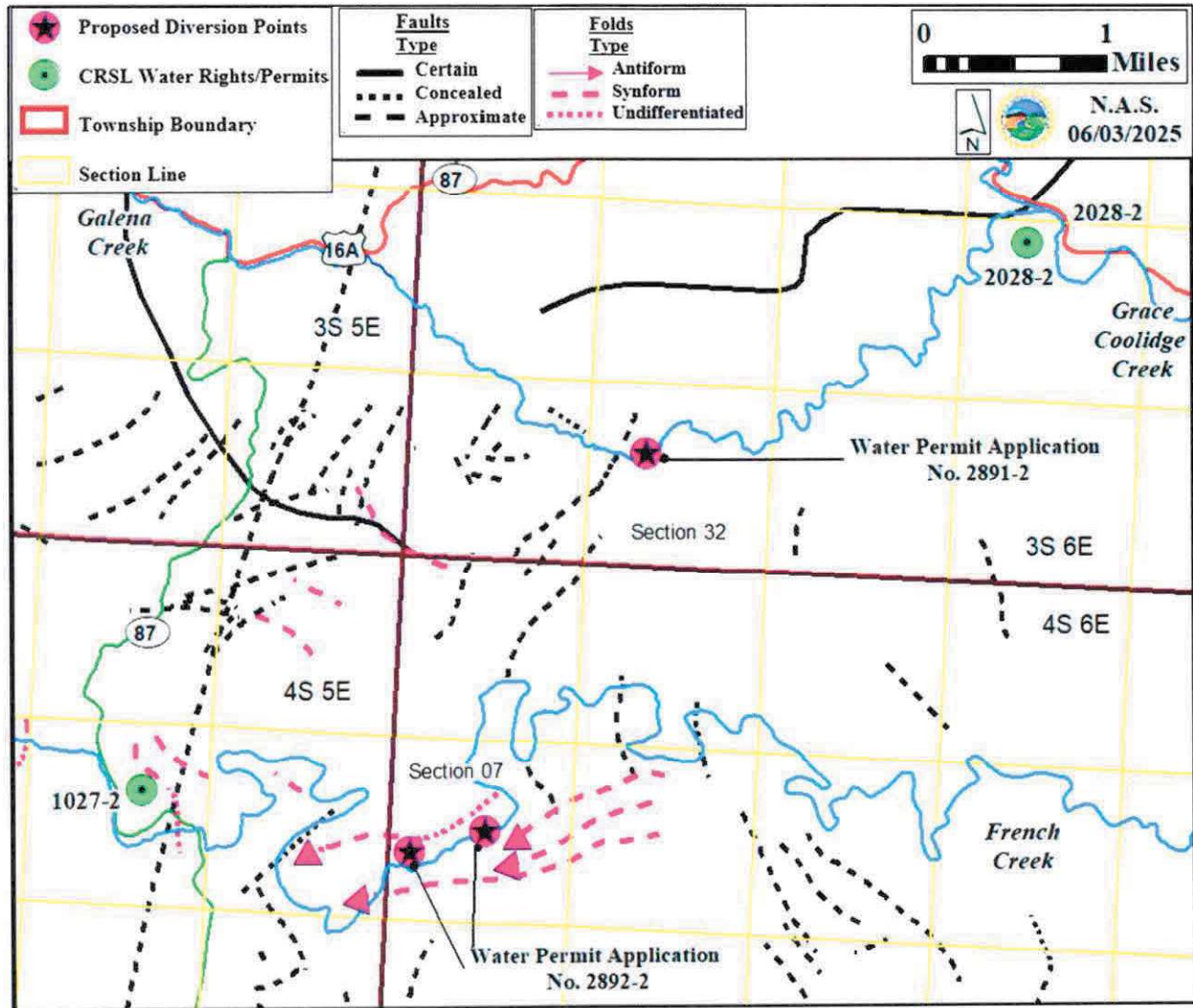


Figure 1. Location of the existing wells proposed to be used by Water Permit Application Nos. 2891-2 and 2892-2 with the Crystalline Rock aquifer water rights/permits within approximately three miles (Water Rights, 2025b), and the significant fault locations (modified from Fagnan, 2023 and Redden & DeWitt, 2008)

Table 2. Water rights/permits authorized to appropriate water from the Crystalline Rock aquifer within approximately three miles of the existing wells, as shown in Figure 1 (Water Rights, 2025b)

Permit No.	Name	Status	Use	Authorized Diversion Rate (cfs)
1027-2	SD Game Fish and Parks	LC	REC	0.1
2028-2	Custer State Park	LC	COM, REC, DOM	0.69
LC: Licensed Water Right; COM: Commercial; DOM: Domestic; REC: Recreation				

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 Nos. 2891-2 and 2892-2 propose 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 (likely French and Galena Creeks near these locations) (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 (estimated areal extent of 616,800 acres), 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 Nos. 2891-2 and 2892-2, and the location of the Crystalline Rock aquifer observation wells in western South Dakota (Water Rights, 2025a). The Crystalline Rock aquifer near the existing well locations for these applications has an estimated average annual yield potential of approximately 1 to 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.

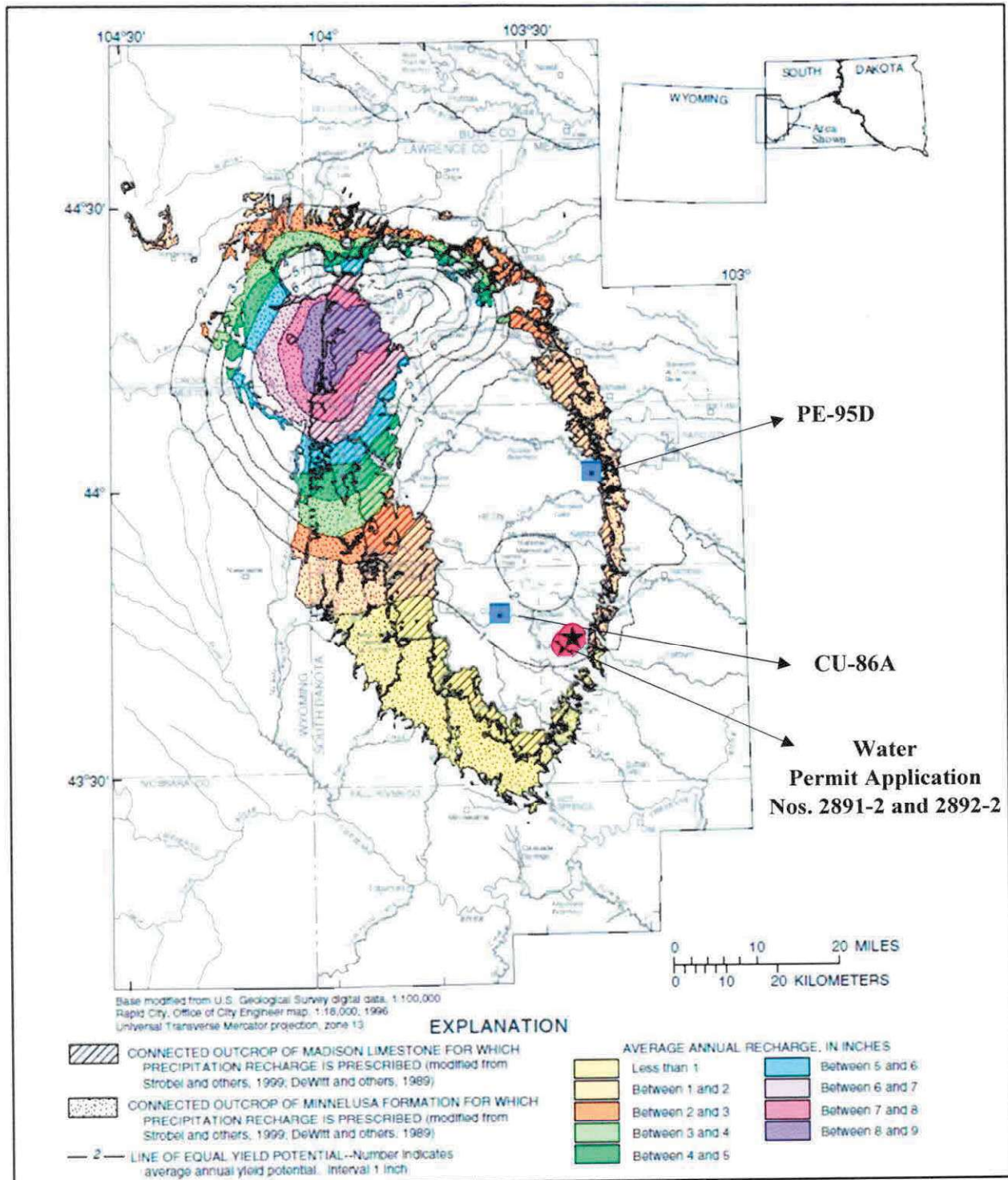


Figure 2. Estimated annual yield potential for the Black Hills in South Dakota and Wyoming for water years 1950 to 1998 (modified from Carter, J. M., Driscoll, D. G., Hamade, G. R., & Jarrell, G.J., 2001), with the location of the existing wells proposed to be used by Water Permit Application Nos. 2891-2 and 2892-2, and the Crystalline Rock aquifer observation wells in western South Dakota (Water Rights, 2025a)

Discharge

Discharge from the Crystalline Rock aquifer is primarily through well withdrawals (Water Rights, 2025b and 2025c), seepage to streams (likely French and Galena Creeks near these locations) (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, each of the applications existing well(s) proposed to be used, are separate from each other (Water Permit Application No. 2892-2 existing wells are expected to be withdrawing from same localized aquifer but separate from the localized aquifer the existing well proposed to be used by Water Permit Application No. 2891-2 is withdrawing from), and withdrawing from separate localized aquifers as the other nearby water rights/permits at this time.

There are a number of domestic wells completed into the Crystalline Rock aquifer within the area of the existing wells on file with the Water Right Program that do not require a water right/permit, so the withdrawal amount from those wells is unknown (Water Rights, 2025c). 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 Custer County, self-supplied domestic water users withdraw approximately 69 gallons per day per capita. That is equivalent to approximately 0.19 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. 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 were zero domestic wells identified on file within approximately one mile of the existing well for Water Permit Application No. 2891-2 that are likely to be withdrawing from the same localized portion of the Crystalline Rock aquifer as the applicant's existing well (Water Rights, 2025c).

There were four domestic wells identified on file within approximately one mile of the existing wells for Water Permit Application No. 2892-2 that may be withdrawing from the same localized portion of the Crystalline Rock aquifer as the applicant's existing wells (Water Rights, 2025c). Assuming 0.19 acre-feet per year for each rural dwelling, the four domestic wells within

approximately a one-half mile equates to approximately 0.77 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 in the area of these applications.

The estimated average annual withdrawal rate from the localized aquifer that the existing well proposed to be used by Water Permit Application No. 2891-2 (if approved) is completed into is approximately 6.0 acre-feet per year. There were zero domestic wells identified on file within approximately one mile of the existing well for Water Permit Application No. 2891-2 that are likely to be withdrawing from the same localized portion of the Crystalline Rock aquifer as the applicant's existing well.

The estimated average annual withdrawal rate for the existing wells proposed to be used by Water Permit Application No. 2892-2 (if approved), is approximately 4.06 acre-feet per year. Assuming 0.19 acre-feet per year for each rural dwelling, the four domestic wells within approximately one-half mile equates to approximately 0.77 acre-feet per year. Collectively, the estimated average annual withdrawal rate from this localized aquifer is approximately 4.83 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.

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, 2025a). These observation wells are PE-95D (approximately 18 miles northeast of the existing wells) and CU-86A (approximately eight miles northeast of the existing wells) (Water Rights, 2025a). 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, 2025a). 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 which were then converted to elevation in feet from the NGVD29 datum.

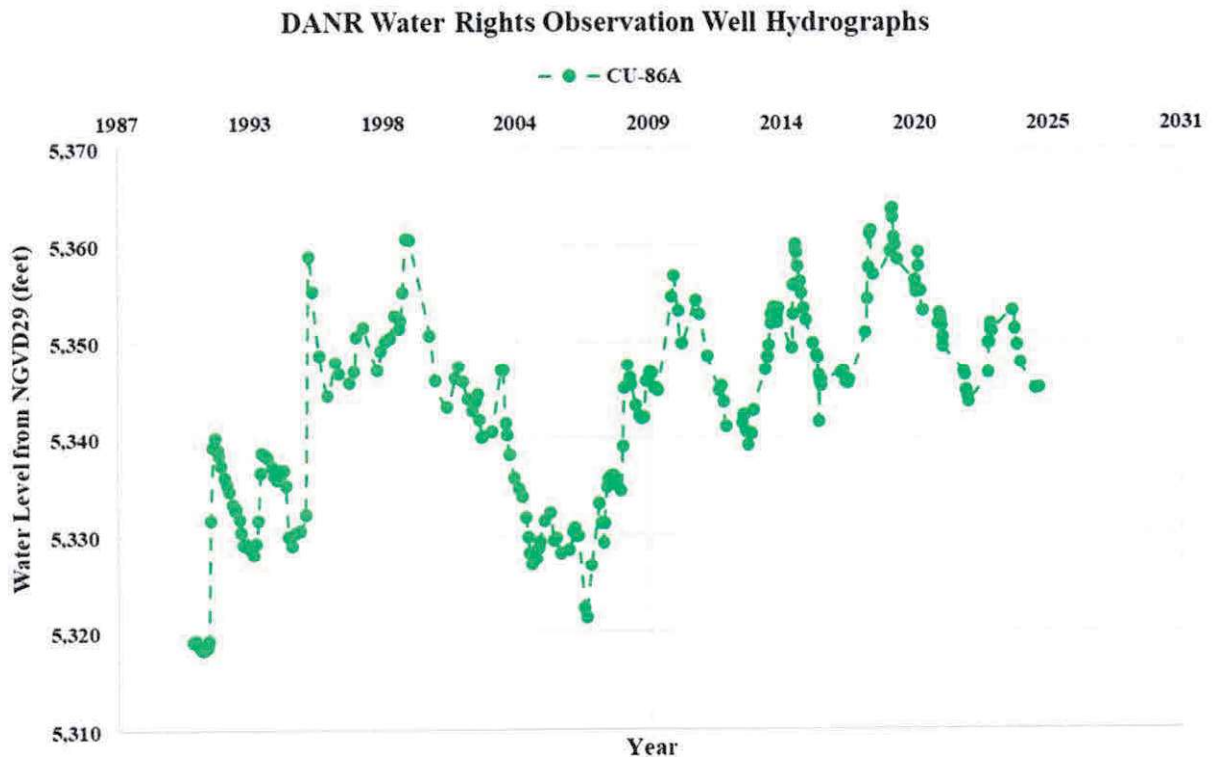


Figure 3. Hydrograph for observation well CU-86A (Water Rights, 2025a)

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, 2025a). 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 eight miles northeast of the existing wells and is not directly representative of the

conditions in the localized aquifers these applications propose to use, the hydrograph still documents that recharge to the Crystalline Rock aquifer has occurred over the period of record (Water Rights, 2025a). Furthermore, the relatively close proximity of CU-86A to the wells for these applications means CU-86A is more representative of local precipitation effects on the aquifer water level.

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 these applications with limited other use in close proximity, there is a reasonable probability unappropriated water is available for the proposed appropriations.

POTENTIAL FOR UNLAWFUL IMPAIRMENT OF EXISTING WATER RIGHTS:

As shown in Figure 1, each of these applications existing well(s) proposed to be used, are withdrawing from separate localized aquifers (Water Permit Application No. 2892-2 existing wells are expected to be withdrawing from the same localized aquifer, but separate from the localized aquifer the existing well proposed to be used by Water Permit Application No. 2891-2 is withdrawing from), and withdrawing from localized aquifers separate from the other nearby water rights/permits.

The closest water right/permit to the existing well for Water Permit Application No. 2891-2 is Water Right No. 2028-2, which is held by Custer State Park. The nearest diversion point (there are two) for Water Right No. 2028-2 is located approximately 2.4 miles northeast of the existing well for this application (Figure 1) (Table 2) (Water Rights, 2025c). It is not expected the wells authorized by Water Right No. 2028-2 are completed into same localized aquifer as the existing well for Water Permit Application No. 2891-2. The next nearest water right/permit (not held by the applicant) to the existing well for Water Permit Application No. 2891-2 is the same nearest diversion point (Water Right No. 1027-2) as Water Permit Application No. 2892-2 (see below).

The closest water right/permit to the existing wells for Water Permit Application No. 2892-2 is Water Right No. 1027-2, which is held by SD Game Fish & Parks for Bluebell Lodge. The diversion point for Water Right No. 1027-2 is located approximately 1.5 miles northwest of the nearest existing well for this application (Figure 1) (Table 2) (Water Rights, 2025c). It is not expected the well authorized by Water Right No. 1027-2 is completed into same localized aquifer as the existing wells for Water Permit Application No. 2892-2.

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 1.7 miles west of the existing well for Water Permit Application No.

2891-2, and approximately 0.25 miles south of the nearest existing well for Water Permit Application No. 2892-2 (Water Rights, 2025d). 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.

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, 2025d). 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, 2025b and 2025d). Additionally, a new well was constructed in 2019 without proper permitting (resulted in Water Permit No. 2572A-2) and there were concerns of potential well interference by neighbors. The permitting issue and well interference complaint were heard at the February 2020 Water Management Board meeting and the Board concluded the permit holders had satisfied each of the factors set forth in SDCL 46-2A-12 for amending a water right/permit; additionally, no well interference complaints have been reported since that hearing (Water Rights, 2025b and 2025d). The diversion points authorized by Water Right No. 2572-2 and Water Permit No. 2572A-2 are located approximately 17 miles northeast of the nearest existing well (approximately 20 miles northeast from the furthest existing well) (Water Rights, 2025b). 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, 2025d).

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, 2025c).

In Custer County, development of both appropriative and domestic use wells has continued without any complaints submitted to the DANR-Water Rights Program regarding well interference for adequate wells completed into the Crystalline Rock aquifer (Water Rights, 2025d). Additionally, Water Permit Application Nos. 2891-2 and 2892-2 are requesting relatively limited diversion rates, appropriative volumes, 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 these applications can be developed without unlawful impairment of existing water right/permit holders or domestic users with adequate wells (Water Rights 2025b, 2025c, and 2025d).

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). The rule requires the depth of the pump placement be determined by dividing the specific capacity of the well into the required yield and adding at minimum 10 additional feet. Regardless of the pump placement calculated using ARSD 74:02:04:60, the well is not an adequate well unless it meets or exceeds the requirements found in ARSD 74:02:04:20(6), the adequate well ruling. However, having 20 feet of saturated aquifer above the inlet to the pump, and an adequate well per ARSD 74:02:04:20(6) may not be reliable for water delivery.

There is a reasonable probability that the proposed diversions by Water Permit Application Nos. 2891-2 and 2892-2 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, 2025d);
- The hydrograph for observation well CU-86A (Figure 3) showing natural fluctuations in water levels over the period of record (Water Rights, 2025a), 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 Nos. 2891-2 and 2892-2 seek to appropriate a relatively small annual volumes of water; and
- The existing wells proposed to be used have been in place and are presumed to have been in use since approximately 1996 and 2024 (Water Permit App No. 2892-2), and 2025 (Water Permit App No. 2891-2) respectively without any reported well interference complaints on file with the DANR-Water Rights Program (Water Rights, 2025b and 2025d).

If these applications are approved, qualifications 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. 2891-2 proposes to appropriate up to 6.0 acre-feet of water annually at a maximum instantaneous diversion rate of 0.067 cfs (approximately 30 gpm) from one existing well completed into the Crystalline Rock aquifer (220 feet deep). Water will be for used public consumption and staff accommodations at the State Wildland Fire Office in Custer State Park. This site is located in Custer County approximately seven miles southeast of Custer, SD.
2. Water Permit Application No. 2892-2 proposes to appropriate up to 4.06 acre-feet of water annually at a maximum instantaneous diversion rate of 0.078 cfs (approximately 35 gpm) from two existing wells completed into the Crystalline Rock aquifer (300 and 310 feet deep). Water will be for domestic use at the Custer State Park Horse Camp. This site is located in Custer County approximately eight miles southeast of Custer, SD.
3. There is a reasonable probability that the proposed diversions by Water Permit Application Nos. 2891-2 and 2892-2 will not unlawfully impair adequate wells for existing water rights/permits and domestic users.
4. If these applications are approved, qualifications 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 III
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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Duvall, Ron

From: Gooder, Jason
Sent: Wednesday, May 28, 2025 4:15 PM
To: Duvall, Ron
Cc: Dewell, Amanda; Rodriguez, Rachel
Subject: Re: Custer State Park, State Wildland Fire Office

To the best of my knowledge yes.

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From: Duvall, Ron <Ron.Duvall@state.sd.us>
Sent: Wednesday, May 28, 2025 12:14:04 PM
To: Gooder, Jason <Jason.Gooder@state.sd.us>
Cc: Dewell, Amanda <Amanda.Dewell@state.sd.us>; Rodriguez, Rachel <Rachel.Rodriguez@state.sd.us>
Subject: RE: Custer State Park, State Wildland Fire Office

Thank you, almost done with questions. For the existing horse camp well, to the best of your knowledge, is this the well completion report for the existing well?

<https://danr.sd.gov/wrimage/WellCompletionReports/images15k/00000316.pdf>

Ron

From: Gooder, Jason <Jason.Gooder@state.sd.us>
Sent: Wednesday, May 28, 2025 12:08 PM
To: Duvall, Ron <Ron.Duvall@state.sd.us>
Cc: Dewell, Amanda <Amanda.Dewell@state.sd.us>; Rodriguez, Rachel <Rachel.Rodriguez@state.sd.us>
Subject: Re: Custer State Park, State Wildland Fire Office

I agree to update the location description

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From: Duvall, Ron <Ron.Duvall@state.sd.us>
Sent: Tuesday, May 27, 2025 3:34:26 PM
To: Gooder, Jason <Jason.Gooder@state.sd.us>
Cc: Dewell, Amanda <Amanda.Dewell@state.sd.us>; Rodriguez, Rachel <Rachel.Rodriguez@state.sd.us>
Subject: RE: Custer State Park, State Wildland Fire Office

Also, to be clear about a change in the legal description on the application for the Wildland Fire Office. The well completion report submitted with that application (noted as the Hidden Valley Well on the completion report) identified the well as being in the SW ¼ SW ¼ section 30-T3S-R5E which is also the legal description written on the application form. According to the map submitted with the application, the well is located in the SE ¼ NW ¼ section 32-T3S-R6E. Assuming the correct location is the location shown on the map, then the well location legal description on the application will be changed to the SE ¼ NW ¼ section 32-T3S-R6E to match the map. I suppose another possibility is the well completion report provided is NOT for the well at the Fire Office.

Please advise if correcting the legal description to the SE ¼ NW ¼ section 32-T3S-R6E is OK.

Thank you,

Ron

From: Duvall, Ron
Sent: Tuesday, May 27, 2025 3:30 PM
To: Gooder, Jason <Jason.Gooder@state.sd.us>
Cc: Dewell, Amanda <Amanda.Dewell@state.sd.us>; Rodriguez, Rachel <Rachel.Rodriguez@state.sd.us>
Subject: RE: Custer State Park, State Wildland Fire Office

Thank you, 6.0 acre-feet it is. What about the well completion report? Do you think that is the second, existing well?

From: Gooder, Jason <Jason.Gooder@state.sd.us>
Sent: Tuesday, May 27, 2025 3:28 PM
To: Duvall, Ron <Ron.Duvall@state.sd.us>
Cc: Dewell, Amanda <Amanda.Dewell@state.sd.us>; Rodriguez, Rachel <Rachel.Rodriguez@state.sd.us>
Subject: Re: Custer State Park, State Wildland Fire Office

Yes i agree, that would be fine

Jason Gooder
Operations Supervisor
Custer State Park

From: Duvall, Ron <Ron.Duvall@state.sd.us>
Sent: Tuesday, May 27, 2025 8:40:24 AM
To: Gooder, Jason <Jason.Gooder@state.sd.us>
Cc: Dewell, Amanda <Amanda.Dewell@state.sd.us>; Rodriguez, Rachel <Rachel.Rodriguez@state.sd.us>
Subject: Custer State Park, State Wildland Fire Office

Jason,

I am contacting you regarding your water permit application for 30 gallons per minute to supply the facility. Regarding the volume of water, the application of 60% estimate is intended to be applied when an annual volume is not available from the the applicant. However, you estimated pumping at 3 hours per day so that does give us a volume of 1,971,000 gallons per year (6.0 acre-feet). I see no need to apply a 60% rate against a volume of 6.0 acre-feet. So, if OK with you, 6.0 acre-feet will be the number used in your application. Again, this volume is based on 30 gpm, 3 hours/day, 365 days/year.

The other application for the horse camp looks fine concerning the volume figure being used. Regarding the older well at the horse camp, can you please confirm whether this is the well completion report for the well - <https://danr.sd.gov/wrimage/WellCompletionReports/images15k/00000316.pdf>?

Please let me know.

Rodriguez, Rachel

From: Gooder, Jason
Sent: Thursday, May 8, 2025 2:18 PM
To: Rodriguez, Rachel; Borkowski, Chad; Dewell, Amanda
Subject: Re: Horse Camp Water Permit Application
Attachments: IMG_1085.jpeg

Attached is the map for horse camp wells. The one on the right is the new well and the left is the existing well.

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From: Rodriguez, Rachel <Rachel.Rodriguez@state.sd.us>
Sent: Thursday, May 8, 2025 10:21:00 AM
To: Borkowski, Chad <Chad.Borkowski@state.sd.us>; Dewell, Amanda <Amanda.Dewell@state.sd.us>; Gooder, Jason <Jason.Gooder@state.sd.us>
Subject: RE: Horse Camp Water Permit Application

Excellent, yes I can see the 2 diversion points.

Thank you,

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



From: Borkowski, Chad <Chad.Borkowski@state.sd.us>
Sent: Thursday, May 8, 2025 11:10 AM
To: Dewell, Amanda <Amanda.Dewell@state.sd.us>; Gooder, Jason <Jason.Gooder@state.sd.us>
Cc: Rodriguez, Rachel <Rachel.Rodriguez@state.sd.us>
Subject: RE: Horse Camp Water Permit Application

Let me know if this doesn't come through like I'm hoping.
Thank you.
Chad

From: Dewell, Amanda <Amanda.Dewell@state.sd.us>
Sent: Thursday, May 8, 2025 8:29 AM
To: Borkowski, Chad <Chad.Borkowski@state.sd.us>; Gooder, Jason <Jason.Gooder@state.sd.us>
Cc: Rodriguez, Rachel <Rachel.Rodriguez@state.sd.us>
Subject: Horse Camp Water Permit Application

Chad and Jason,

The Water Rights Program is still waiting to receive a map indicating the locations of both wells being used at the Horse Camp. The Application for that permit cannot be processed without a map identifying the well sites. Please mark both well locations with an "X" on the attached aerial image and send it back to me. The appropriate fees have been paid.

Thank you,

Amanda Dewell

DANR - Water Rights Program

Permitting Administrator

Main Phone: 605 773-3352

Website: danr.sd.gov



Rodriguez, Rachel

From: Gooder, Jason
Sent: Monday, May 5, 2025 1:31 PM
To: Rodriguez, Rachel
Subject: Re: 2nd Water Permit Application

ok I will get it done today

Jason Gooder
Operations Supervisor
Custer State Park

From: Rodriguez, Rachel <Rachel.Rodriguez@state.sd.us>
Sent: Monday, May 5, 2025 11:59:12 AM
To: Gooder, Jason <Jason.Gooder@state.sd.us>
Subject: RE: 2nd Water Permit Application

Yes.

Thank you,

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



From: Gooder, Jason <Jason.Gooder@state.sd.us>
Sent: Monday, May 5, 2025 12:57 PM
To: Rodriguez, Rachel <Rachel.Rodriguez@state.sd.us>
Subject: Re: 2nd Water Permit Application

Rachel, is the map you need for the Horse Camp well?

Jason Gooder
Operations Supervisor
Custer State Park

From: Gooder, Jason <Jason.Gooder@state.sd.us>
Sent: Monday, May 5, 2025 10:20:46 AM
To: Rodriguez, Rachel <Rachel.Rodriguez@state.sd.us>
Subject: Re: 2nd Water Permit Application

Ok, thanks.

Jason Gooder
Operations Supervisor
Custer State Park

From: Rodriguez, Rachel <Rachel.Rodriguez@state.sd.us>
Sent: Monday, May 5, 2025 9:59:51 AM
To: Gooder, Jason <Jason.Gooder@state.sd.us>
Subject: RE: 2nd Water Permit Application

You have two applications, and that map was for the other application. When Amanda gave me the applications, she said this one still needs a map.

Thank you,

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



From: Gooder, Jason <Jason.Gooder@state.sd.us>
Sent: Monday, May 5, 2025 10:58 AM
To: Rodriguez, Rachel <Rachel.Rodriguez@state.sd.us>
Subject: Re: 2nd Water Permit Application

I sent the map to Amanda. If please check with her. If you need something different let me know and I will send.

Jason Gooder
Operations Supervisor
Custer State Park

From: Rodriguez, Rachel <Rachel.Rodriguez@state.sd.us>
Sent: Monday, May 5, 2025 8:33:15 AM
To: Gooder, Jason <Jason.Gooder@state.sd.us>
Subject: RE: 2nd Water Permit Application

I'm just following up on the email from April 24th, we need a map.

Thank you,

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



From: Rodriguez, Rachel
Sent: Monday, April 28, 2025 9:14 AM
To: Gooder, Jason <Jason.Gooder@state.sd.us>
Subject: RE: 2nd Water Permit Application

Good morning

Please provide the information requested.

I have received the voucher for payment.

Thank you,

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



From: Rodriguez, Rachel
Sent: Thursday, April 24, 2025 3:30 PM
To: Gooder, Jason <Jason.Gooder@state.sd.us>
Subject: 2nd Water Permit Application

Good afternoon,

A map needs to be submitted that references a government section corner or quarter corner including section, township, and range. For your convenience, I have enclosed a map with those designations. Please outline mark the proposed well location with an "X". Once I receive the map and payment, I can begin processing your application.

Thank you,

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

Dewell, Amanda

From: Gooder, Jason
Sent: Thursday, April 17, 2025 4:02 PM
To: Dewell, Amanda
Subject: RE: new well

Yes

Jason Gooder | *Operations Supervisor*
Custer State Park
13329 US Hwy 16A | Custer, SD 57730
605.773.5092 ext. 207 | jason.gooder@state.sd.us



From: Dewell, Amanda <Amanda.Dewell@state.sd.us>
Sent: Thursday, April 17, 2025 3:01 PM
To: Gooder, Jason <Jason.Gooder@state.sd.us>
Subject: RE: new well

Jason,

Pumping at 35 gpm, 3 hours per day, April 1 – Nov 31 would be approximately 4.06 ac-ft of water annually. Are you agreeable to us processing the application for that volume of water?

$35 \text{ gpm} = 2100 \text{ gal/hr} \times 3 \text{ hrs/day} = 6300 \text{ gal/day} \times 30 \text{ day/mo} = 189000 \text{ gal/mo} \times 7 \text{ mo} = 1323000 \text{ gal} = 4.06 \text{ ac-ft/year}$

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



From: Gooder, Jason <Jason.Gooder@state.sd.us>
Sent: Thursday, April 17, 2025 3:54 PM
To: Dewell, Amanda <Amanda.Dewell@state.sd.us>
Subject: new well

We estimate the pump would run 3 hours per day.

Dewell, Amanda

From: Dewell, Amanda
Sent: Thursday, April 17, 2025 4:20 PM
To: Gooder, Jason
Subject: RE: new well

Sorry, final question, could you please supply a map showing locations of both the horse camp wells?

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



From: Gooder, Jason <Jason.Gooder@state.sd.us>
Sent: Thursday, April 17, 2025 4:12 PM
To: Dewell, Amanda <Amanda.Dewell@state.sd.us>
Subject: RE: new well

Thank you. I sent this to our purchasing agent here at the Park to start the payment process.

Jason Gooder | *Operations Supervisor*
Custer State Park
13329 US Hwy 16A | Custer, SD 57730
605.773.5092 ext. 207 | jason.gooder@state.sd.us



From: Dewell, Amanda <Amanda.Dewell@state.sd.us>
Sent: Thursday, April 17, 2025 3:07 PM
To: Gooder, Jason <Jason.Gooder@state.sd.us>
Subject: RE: new well

Ok, once payment has been received, in the amount of \$300, we will begin formally processing the application.

Thank you,

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



From: Gooder, Jason <Jason.Gooder@state.sd.us>
Sent: Thursday, April 17, 2025 4:02 PM
To: Dewell, Amanda <Amanda.Dewell@state.sd.us>
Subject: RE: new well

Yes

Jason Gooder | *Operations Supervisor*
Custer State Park
13329 US Hwy 16A | Custer, SD 57730
605.773.5092 ext. 207 | jason.gooder@state.sd.us



From: Dewell, Amanda <Amanda.Dewell@state.sd.us>
Sent: Thursday, April 17, 2025 3:01 PM
To: Gooder, Jason <Jason.Gooder@state.sd.us>
Subject: RE: new well

Jason,

Pumping at 35 gpm, 3 hours per day, April 1 – Nov 31 would be approximately 4.06 ac-ft of water annually. Are you agreeable to us processing the application for that volume of water?

$35 \text{ gpm} = 2100 \text{ gal/hr} \times 3 \text{ hrs/day} = 6300 \text{ gal/day} \times 30 \text{ day/mo} = 189000 \text{ gal/mo} \times 7 \text{ mo} = 1323000 \text{ gal} = 4.06 \text{ ac-ft/year}$

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



From: Gooder, Jason <Jason.Gooder@state.sd.us>
Sent: Thursday, April 17, 2025 3:54 PM
To: Dewell, Amanda <Amanda.Dewell@state.sd.us>
Subject: new well

We estimate the pump would run 3 hours per day.

Jason,

Thank you for reaching out with this. I had a reminder in my calendar to follow up w/ Chad if I hadn't heard back by Thursday.

When he and I had spoken, he indicated that this was the second well at the Horse Camp and that between the two, there was hope for approx. 35 gpm. Would you be agreeable to me adjusting the application to reflect 35 gpm from 2 wells? Additionally, is it the preference of the Water Rights Program to identify a maximum annual volume of water. Could you estimate how many hours the wells would be pumped per day? We would then span that over the designated time frame of April 1 – Nov 31 to get an annual volume (acre-feet).

I will note that increasing the application from 20 to 35 gpm would not result in an increased fee for the application, which would be \$300.00. Payment can be made by mailing a check (payable to SD Water Rights) or by calling or Fiscal Office and submitting payment over the phone (605) 773-5559.

Amanda Dewell

DANR - Water Rights Program

Permitting Administrator

Main Phone: 605 773-3352

Website: danr.sd.gov



Jason Gooder | *Operations Supervisor*
Custer State Park
13329 US Hwy 16A | Custer, SD 57730
605.773.5092 ext. 207 | jason.gooder@state.sd.us



Dewell, Amanda

From: Dewell, Amanda
Sent: Tuesday, April 15, 2025 10:50 AM
To: Gooder, Jason
Subject: RE: Custer State Park new well

Jason,

Thank you for reaching out with this. I had a reminder in my calendar to follow up w/ Chad if I hadn't heard back by Thursday.

When he and I had spoken, he indicated that this was the second well at the Horse Camp and that between the two, there was hope for approx. 35 gpm. Would you be agreeable to me adjusting the application to reflect 35 gpm from 2 wells? Additionally, is it the preference of the Water Rights Program to identify a maximum annual volume of water. Could you estimate how many hours the wells would be pumped per day? We would then span that over the designated time frame of April 1 – Nov 31 to get an annual volume (acre-feet).

I will note that increasing the application from 20 to 35 gpm would not result in an increased fee for the application, which would be \$300.00. Payment can be made by mailing a check (payable to SD Water Rights) or by calling or Fiscal Office and submitting payment over the phone (605) 773-5559.

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



From: Gooder, Jason <Jason.Gooder@state.sd.us>
Sent: Tuesday, April 15, 2025 10:19 AM
To: Dewell, Amanda <Amanda.Dewell@state.sd.us>
Subject: Custer State Park new well

Amanda, attached is the application for a new well in Custer State Park. I am not sure how the fee is determined in this situation. Could you advise? Thank you.

Jason Gooder | *Operations Supervisor*
Custer State Park
13329 US Hwy 16A | Custer, SD 57730
605.773.5092 ext. 207 | jason.gooder@state.sd.us



Rodriguez, Rachel

From: Keiser, Darcy
Sent: Tuesday, April 29, 2025 4:13 PM
To: Rodriguez, Rachel
Subject: RE: Well permit fee

The funds have been paid by GFP

From: Rodriguez, Rachel <Rachel.Rodriguez@state.sd.us>
Sent: Tuesday, April 29, 2025 1:58 PM
To: Keiser, Darcy <Darcy.Keiser@state.sd.us>
Subject: FW: Well permit fee

Good Afternoon Darcy,

I have two water permit applications and would need a voucher of \$300.00 for each application; both are SD GFP Custer State Park applications. That comes to a total of \$600.00. What does "voucher ended" mean? And were do we stand regarding voucher payment for both applications?

Thank you,

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



From: Dewell, Amanda <Amanda.Dewell@state.sd.us>
Sent: Tuesday, April 29, 2025 1:34 PM
To: Rodriguez, Rachel <Rachel.Rodriguez@state.sd.us>
Subject: FW: Well permit fee

Not certain what she means by "This voucher is ended." Any ideas?

I believe it's supposed to be for the Horse Camp application.

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



Rodriguez, Rachel

From: Keiser, Darcy
Sent: Tuesday, April 29, 2025 4:13 PM
To: Rodriguez, Rachel
Subject: RE: Well permit fee

The funds have been paid by GFP

From: Rodriguez, Rachel <Rachel.Rodriguez@state.sd.us>
Sent: Tuesday, April 29, 2025 1:58 PM
To: Keiser, Darcy <Darcy.Keiser@state.sd.us>
Subject: FW: Well permit fee

Good Afternoon Darcy,

I have two water permit applications and would need a voucher of \$300.00 for each application; both are SD GFP Custer State Park applications. That comes to a total of \$600.00. What does "voucher ended" mean? And were do we stand regarding voucher payment for both applications?

Thank you,

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



From: Dewell, Amanda <Amanda.Dewell@state.sd.us>
Sent: Tuesday, April 29, 2025 1:34 PM
To: Rodriguez, Rachel <Rachel.Rodriguez@state.sd.us>
Subject: FW: Well permit fee

Not certain what she means by "This voucher is ended." Any ideas?

I believe it's supposed to be for the Horse Camp application.

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





**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

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

July 8, 2025

SD Game Fish & Parks
Custer State Park
c/o Jason Gooder
13329 US Hwy 16A
Custer SD 57730

Dear Mr Gooder:

Water Permit Application Nos. 2891-2 and 2892-2 for domestic use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice has been sent to the Custer County Chronicle printed at Custer SD (Ph # 605 673-2217) and the Rapid City Journal printed at Rapid City SD (see attachment for contact number). 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 Acting 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 Acting 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.

Instruction to Newspaper - Publish the Notice on July 16 or 17, 2025. The applicant is responsible for payment.

Notice is given that South Dakota Game Fish & Parks Custer State Park, 13329 US Hwy 16A, Custer SD 57730, has filed two applications to appropriate water from the Crystalline Rock Aquifer for domestic purposes.

Application No. 2891-2 proposes to appropriate up to 6.0 acre-feet of water annually at a maximum pump rate of 0.067 cubic feet of water per second from one well completed into the Crystalline Rock Aquifer (220 feet deep) located in the SE 1/4 NW 1/4 Section 32-T3S-R6E for domestic purposes. The water will be used for public consumption as well as staff accommodations at the State Wildland Fire Office in Custer State Park. This site is located approximately seven miles southeast of Custer SD.

Application No. 2892-2 proposes to appropriate up to 4.06 acre-feet of water annually at a maximum pump rate of 0.078 cubic feet of water per second from two wells, combined, completed into the Crystalline Rock Aquifer (approximately 310 feet deep) located in the NW 1/4 SW 1/4 Section 7-T4S-R6E for domestic use at the Custer State Park Horse Camp. This site is located approximately 8 miles southeast of Custer SD.

Pursuant to SDCL 46-2A-2, the Acting Chief Engineer recommends APPROVAL of Application Nos. 2891-2 and 2892-2 with qualifications 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. The Acting Chief Engineer's recommendations with qualifications, the applications, and staff reports 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 these applications or recommendations shall allege that the applications, 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 applications, or other matter concerning the applications 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 applications with BOTH the applicant and Acting Chief Engineer. A petition opposing the applications shall be filed on a form provided by the Acting Chief Engineer. The petition form is available online at <https://danr.sd.gov/public> or by contacting the Acting Chief Engineer. The Acting 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 Acting Chief Engineer's recommendations, the applicant shall also file a petition. A petition filed by either an interested person or the applicant must be filed by July 28, 2025.

The petition shall include a statement describing the unique injury upon approval of the applications on the petitioner, the petitioner's reasons for opposing the applications, 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 applications with the Acting Chief Engineer. The comment shall be filed on a form provided by the Acting Chief Engineer and is available online at <https://danr.sd.gov/public> or by calling (605) 773-3352 or writing the Acting 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 July 28, 2025.

If the applicant does not contest the recommendations of the Acting Chief Engineer and no petition to oppose the applications are received, the Acting Chief Engineer shall act on the applications pursuant to the recommendations with no hearing held before the Water Management Board. If a petition opposing the applications or contesting the recommendations is filed, then a hearing will be scheduled, and the Water Management Board will consider these applications. 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: Samantha Pryor <leelegals@column.us>
Sent: Tuesday, July 8, 2025 10:44 AM
To: Rodriguez, Rachel
Cc: Gooder, Jason
Subject: Re: [EXT] 2891-2 & 2892-2 SD GFP - Public Notice

Hi Rachel,

Your notice is scheduled to be published in the The Rapid City Journal on July 17, 2025. Your payment must be received by July 11, 2025 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:

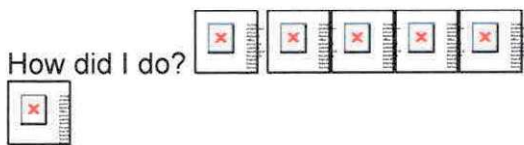
www.column.us/invoices/B76gawYkgKodMg7AJrCz/pay. Your Notice ID is: kITrym39SEO5N59BfyEf

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

For the fastest and most reliable placement process, use column.us to quickly place notices yourself, get proofs, view pricing, and access your invoices and affidavits. Visit our [help center](#) for tips, or sign up for one of our [training webinars](#).

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

—
// Samantha Pryor
// Column Pro Representative
// [Column.us](http://column.us) is an easy-to-use online platform where you can place public notices, and access your proofs, invoices and affidavits.



On July 8, 2025 at 9:31 AM EDT rachel.rodriguez@state.sd.us wrote:

Attached is a notice to be published on July 17, 2025.

South Dakota Game Fish & Parks Custer State Park, 13329 US Hwy 16A, Custer SD 57730, 605-773-5092, jason.gooder@state.sd.us 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

Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Tuesday, July 8, 2025 8:32 AM
To: RCY Legals
Subject: 2891-2 & 2892-2 SD GFP - Public Notice
Attachments: 2891-2 & 2892-2 public.short_final.docx; FORM8.FRM.doc

Attached is a notice to be published on July 17, 2025.

South Dakota Game Fish & Parks Custer State Park, 13329 US Hwy 16A, Custer SD 57730, 605-773-5092, jason.gooder@state.sd.us has been notified to contact you to authorize publication and arrange for payment.

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

Thank you,

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



Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Tuesday, July 8, 2025 8:29 AM
To: Jason Ferguson
Subject: 2891-2 & 2892-2 SD GFP - Public Notice
Attachments: 2891-2 & 2892-2 public.short_final.docx; FORM8.FRM.doc

Attached is a notice to be published on July 16, 2025.

South Dakota Game Fish & Parks Custer State Park, 13329 US Hwy 16A, Custer SD 57730, 605-773-5092, 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

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

SD Water Rights Program
SD Game Fish & Parks, Custer State Park
Public Notice

a printed copy of which, taken from the paper in which the same was published, is attached to this sheet, and is made a part of this Affidavit, was published in said newspaper at least once each week for one successive week(s), on which said newspaper was regularly published, to wit:

July 16, 2025; _____;

_____; _____;

_____; _____;

_____; _____;

_____; _____;

the full amount of the fees for the publication of the annexed notice is \$ 50.05

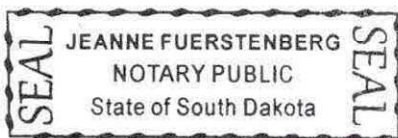
100

Subscribed and sworn to me before this 16th

of July, 20 25;

Jeanne Fuerstenberg
NOTARY PUBLIC

MY COMMISSION EXPIRES: NOV 30 2027



PUBLIC NOTICE

Notice is given that South Dakota Game Fish & Parks Custer State Park, 13329 US Hwy 16A, Custer SD 57730, has filed two applications to appropriate water from the Crystalline Rock Aquifer for domestic purposes.

Application No. 2891-2 proposes to appropriate up to 6.0 acre-feet of water annually at a maximum pump rate of 0.067 cubic feet of water per second from one well completed into the Crystalline Rock Aquifer (220 feet deep) located in the SE 1/4 NW 1/4 Section 32-T3S-R6E for domestic purposes. The water will be used for public consumption as well as staff accommodations at the State Wildland Fire Office in Custer State Park. This site is located approximately seven miles southeast of Custer SD.

Application No. 2892-2 proposes to appropriate up to 4.06 acre-feet of water annually at a maximum pump rate of 0.078 cubic feet of water per second from two wells, combined, completed into the Crystalline Rock Aquifer (approximately 310 feet deep) located in the NW 1/4 SW 1/4 Section 7-T4S-R6E for domestic use at the Custer State Park Horse Camp. This site is located approximately 8 miles southeast of Custer SD.

Pursuant to SDCL 46-2A-2, the Acting Chief Engineer recommends APPROVAL of Application Nos. 2891-2 and 2892-2 with qualifications 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. The Acting Chief Engineer's recommendations with qualifications, the applications, and staff reports 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 these applications or recommendations shall allege that the applications, 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 applications, or other matter concerning the applications 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 applications with BOTH the applicant and Acting Chief Engineer. A petition opposing the applications shall be filed on a form provided by the Acting Chief Engineer. The petition form is available online at <https://danr.sd.gov/public> or by contacting the Acting Chief Engineer. The Acting 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 Acting Chief Engineer's recommendations, the applicant shall also file a petition. A petition filed by either an interested person or the applicant must be filed by July 28, 2025.

The petition shall include a statement describing the unique injury upon approval of the applications on the petitioner, the petitioner's reasons for opposing the applications, 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 applications with the Acting Chief Engineer. The comment shall be filed on a form provided by the Acting Chief Engineer and is available online at <https://danr.sd.gov/public> or by calling (605) 773-3352 or writing the Acting 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 July 28, 2025.

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Published once at the total approximate cost of \$50.05 and may be viewed free of charge at sdpublicnotices.com.

RECEIVED

AUG 11 2025

OFFICE OF
WATER

AFFIDAVIT OF PUBLICATION

Jason Gooder

State of Florida, County of Orange, ss:

I, Ankit Sachdeva, of lawful age, being duly sworn upon oath depose and say that I am an agent of Column Software, PBC, duly appointed and authorized agent of the Publisher 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:

- Jul 24, 2025

NOTICE ID: r3cbwDaDwjKQxS5UoYXK

NOTICE NAME: Copy Application No. 2892-2

TOTAL AD COST: \$94.25

Ankit Sachdeva

Agent

VERIFICATION

State of Florida
County of Orange

Signed or attested before me on this: 07/28/2025



Notary Public

Notarized remotely online using communication technology via Proof.



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(Published July 24, 2025 for a total approximate cost of \$94.25 and may be viewed for free at www.sd-publicnotices.com)
Legal No: COL-SD-2949



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

Comment

Concerning Application for a Water Right Permit

Application No. 2892-2 Name of Applicant SDGFP - Custer State Park

The Application No. and applicant's name can be found in the public notice at <https://danr.sd.gov/public>.

Note. Filing a comment does NOT make the commenter a party of record to, or a participant in, any hearing that may be held concerning this application. Your comment will be provided to the Water Management Board and become part of the public record.

Comments concerning this application:

Comments concerning this application:

Commenter's name and address:

First Name: Nancy Last Name: Hilding, President Prairie Hills Audubon Society
Address: P.O. Box 788
City: Black Hawk, State: S.D, Zip: 57718

Note. This comment needs to be submitted no later than the deadline date provided in the public notice. The mailing address is provided above, send to "Attention - Water Rights Program" or send via email to DANRmail@state.sd.us.

Application No. 2892-2

Commenter's Name Nancy Hilding

Any additional comments:

Nancy Hilding
President
Prairie Hills Audubon Society
P.O. Box 788
Black Hawk, SD 57718
phas.wsd@rapidnet.com,
605-787-6466
July 28th, 2025

Acting Chief Engineer's
Water Rights Program,
Foss Building,
523 E Capitol,
Pierre, SD 57501
<https://danr.sd.gov/public/wrctpn.aspx?intervene=07/28/2025&number=2892-2&applicant=SD GFP Custer State Park, Jason Gooder>

RE: Application No 2892-2 – for ground water well near Horse Camp in Custer State Park

Application No 2892-2 wants to appropriate up to 4.06 acre-feet of water annually at a maximum pump rate of 0.078 cubic feet of water per second from two wells, combined, completed into the Crystalline Rock Aquifer (approximately 310 feet deep) located in the NW 1/4 SW 1/4 Section 7-T4S-R6E for domestic use at the Custer State Park Horse Camp.

We are an environmental group concerned about the protection of the American dipper in the Black Hills. It is non-migratory and lives year-round near fast moving, clear, rocky streams. The dipper once existed in French Creek, Rapid Creek, Box Elder Creek, Elk Creek, Bear Butte Creek, Spearfish Creek and Whitewood Creek in the Black Hills. It now exists in Spearfish and Whitewood Creek (and some tributaries). Our Black Hills dipper are isolated from other dipper populations in the American west and are developing unique genetics that may warrant a sub-species classification, however in 2009, the USFWS wanted more research to prove that, before listing as a Distinct Population Segment, under the ESA.

This aquatic song bird is listed as a state threatened species under SD's Endangered Species Act. It is a Forest Service sensitive species. We and 3 other groups petitioned in 2008 to have the Black Hill's American dipper listed as a Distinct Population Segment (DPS) under the federal Endangered Species Act, but that petition was denied in 2009 by the USFWS.

The dipper is believed to have been lost in French Creek due to loss of water quality and perhaps loss of water quantity due to Stockade Lake. The dipper were prevalent in French Creek in 1920s but disappeared in 1930s, perhaps due to Stockade Lake water quantity and/or quality impacts.

Prairie Hills Audubon Society wants to recover the American dipper in as many Black Hills streams as possible. Its existence in only 2 drainages, makes its' existence vulnerable to major events such as floods or fires. We think Custer State Park (CSP) is supposed to be managed at least in part for wildlife and we want the Park and DANR to work towards protecting the water quality and quantity in the French Creek.

The Horse Camp is upstream of the segment where dippers are expected to find quality habitat.

Here is a map of potential nest sites from page 9 of 2019 report: "Identification and Monitoring of American Dipper Populations and Inhabited Areas in South Dakota Final Report," (Link to this page devoted to French Creek - https://phas-wsd.org/wp-content/uploads/French-Creek_Dipper_2019reportDrilling.pdf):

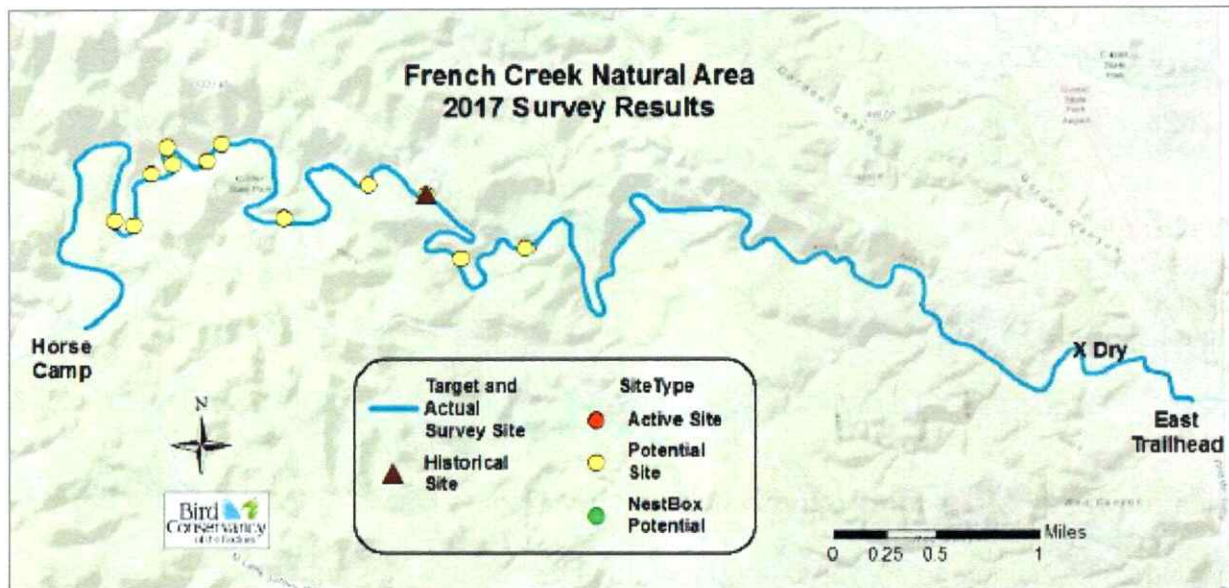


Figure 8. Map of French Creek survey area
Approximately 25 potential nest sites on the east end were not marked.

The Report says:

"Given the number of good nest sites and creek stretches with the potential for fast flows it there is enough water, the 1920s historical records of many dippers along this creek is certainly likely. However, Stockade Lake was built upstream in the 1930s and there have been no subsequent dipper records on this creek, suggesting that the lake has altered stream flows and water quality to the detriment of dippers."

The 2008 Petition to list the Black Hills American dipper says:

"Probable causes for the loss of a breeding population of dippers are pollution, construction of the Stockade Lake Dam, heavy sedimentation, and the presence of many small rock dams (Backlund 2007). Stockade Lake has a history of being highly eutrophic (Froiland 1978, Backlund 2007).

We believe that in some sections of French Creek the ground water flows into the Creek's surface waters and that in other sections of the Creek the surface waters flow into the ground water. We don't know which is happening here at the Horse Camp. We don't know what percent of the stream flow a 4.06 acre-feet withdrawal of water would be, given that the ground water in this segment might be recharging the stream or the stream might be recharging the ground water. We however want DANR to look at the CUMULATIVE IMPACTS of all water quantity withdrawals in French Creek and consider the cumulative impacts to American Dipper habitat. We want you all to work to maximize water quality and quantity in the Creek.

We are also concerned about water quality. There was a recent fight between residents of Custer County and the City of Custer about the decision to dump the City's treated waste water into French

Creek. Opponents of the City of Custer's treated sewage dumping, say the water quantity sampling was done 20 miles from the proposed new discharge point -- down in the southern side of CSP. The opponents claim the DANR or the City is relying on unrealistic water quantities to create effluent dilution that won't exist up north at the point source & thus violation of water quality standards will occur. The voters of Custer County passed a referendum to declare the proposed dumping to French Creek a nuisance but the Courts ruled in the City's favor, saying that actions approved by DANR can't be a nuisance.

There appears to be an issue about whether the water quantity is sufficient to dilute the effluent pollution. The proposed Horse Camp well will be at 310 feet down, in or below shist or pegmatites. Will the ground water withdrawal effect the water quantity in the stream to any significant degree? We ask if the shist or pegmatite is impermeable to water and whether water exchange will be happening under ground between geologic layers. Is there a drinking water threat at the horse camp?

Has Custer City started to discharge effluent already and if so, has the water quality in French Creek been sampled post discharge, during a low flow season?

We ask that you evaluate the impact of this ground water withdrawal to American dipper habitat in French Creek. We ask where in the Black Hills will the water quality and quantity of streams will be protected to allow reintroduction of dippers to the streams? Why not in Custer State Park.

Bibliography:

We include some references below with hyper-links to the articles so you can download them:

Identification and Monitoring of American Dipper Populations and Inhabited Areas in South Dakota Final Report, March 31, 2019, Bird Conservancy of the Rockies, Tech. Report AMDI-4, <https://apps.sd.gov/gf56fisheriesreports/getWDRReport.ashx?GUID=20190507-1943-4399-3235-846864d7e3d0&revNum=1>

Conservation genetics of American Dipper (*Cinclus mexicanus*): the genetic status of a population in severe decline, Cynthia M. Anderson, Garth M. Spellman, Carolyn S. Ferrell, Katherine Strickler, Shane K. Sarver, 2007, <https://phas-wsd.org/wp-content/uploads/Anderson-Conserv-Genet-Dipper.pdf>

Final Report: Evaluation of DNA Microsatellite Fingerprinting Markers for the American Dipper, *Cinclus mexicanus*, Cynthia Anderson and Shane Sarver, <https://phas-wsd.org/wp-content/uploads/BH-dipper-genetics.pdf>

Petition to list the Black Hills of South Dakota distinct population segment of American dipper (*Cinclus mexicanus unicolor*), as THREATENED or ENDANGERED under the Endangered Species Act 16 USC §) 1531 et seq. (1973 as amended) and for the designation of Critical Habitat, 2008, <https://phas-wsd.org/wp-content/uploads/2008-American-Dipper-Petition-Final.pdf>

Sincerely,



Nancy Hilding
President
Prairie Hills Audubon Society



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

SEP 10 2025

South Dakota Game Fish & Parks
Custer State Park
c/o Jason Gooder
13329 US Hwy 16A
Custer SD 57730

Dear Mr. Gooder:

Enclosed are Water Permit Nos. 2891-2, and 2892-2 authorizing construction of your water diversion systems and beneficial use of the water, not exceeding the limits as specified in the Water Permits.

Form 10's, *Notice of Completion of Works and Application of Water to Beneficial Use*, are enclosed. Please return the completed forms after you have finished the systems and have put the water to beneficial use. An investigation can then be scheduled so the water licenses 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,

Mark Mayer, PE
Director of Office of Water

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.: 2892-2

Name of Applicant: SD GFP Custer State Park, Jason Gooder

Date of Posting: 7/14/2025

Date of Removal: 9/10/2025

Ron Duvall, Engineer III

9/10/2025

Date

Subscribed and sworn to before me, a notary public, this 10th day of Sept, 2025.

Notary Public - South Dakota
My commission expires: Rachel Rodriguez
My Commission Expires
May 16, 2029



(SEAL)