

WATER PERMIT NO. 2896-2

Name of Applicant: **Country Store At Three Forks**

Address: **23820 US-385, Rapid City SD 57702** Phone: **605-574-4377**

Amount of Water Claimed: **1 AF** Total Acres: **N/A**

Source of Water Supply: **Groundwater**

Water to be used for: **Commercial** County: **Pennington**

Type of Waste Disposal System:

Location: **Approx. 13 southwest of Rapid City**

PRIORITY Date Received: **07-29-25**

Application/License Fee: **\$700.00**

Corrected Application Received:

Period of Annual Use: **January 1 – December 31**

Remarks: **Well diverts water to a cistern which provides water to the store.**

Diversion Point: **SE 1/4 NW 1/4 Sec 22-T1S-R5E**

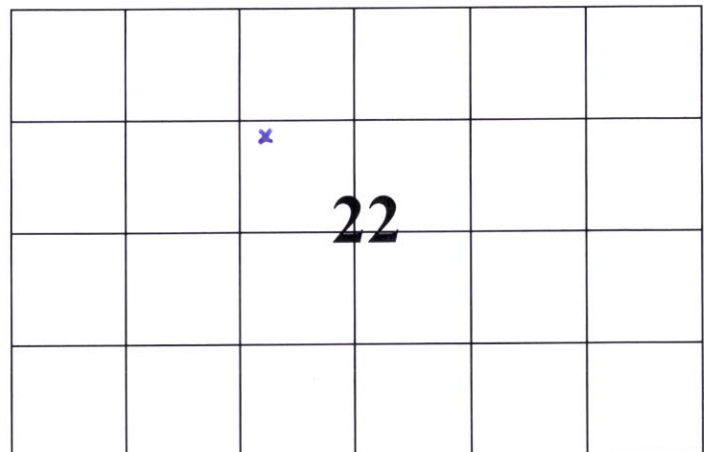
Land to be Irrigated: **N/A**

Depth of Well: **100**

Well Driller: **Alexander Drilling**

Remarks:

Type of Map: **aerial**



Reviewed and the Number Assigned on: **07-30-25**

By: **Rachel Rodriguez**

Notice of Hearing - date to intervene: _____

SOUTH DAKOTA
WATER PERMIT NO. 2896-2

Date of first receipt of application July 29, 2025.

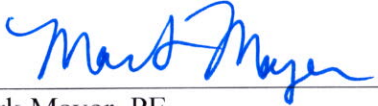
The Acting Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 2896-2 to Country Store At Three Forks, 23820 US-385, Rapid City SD 57702, authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 2896-2 appropriates an amount not exceeding 1.0 acre-feet of water annually at a maximum pump rate of 0.22 cubic feet of water per second from one well completed into the Crystalline Rock Aquifer (100 feet deep) located in the SE 1/4 NW 1/4 Section 22-T1S-R5E for commercial use at the convenience store. This site is located approximately two and one-half miles northeast of Hill City SD.
2. The water appropriated shall be used for the purpose of commercial use and may not exceed the amount of water needed for beneficial use.
3. The water is to be used during the following described annual period: January 1 – December 31.
4. The date of approval of Permit No. 2896-2 is October 20, 2025.
5. The date from which applicant may claim right is July 29, 2025.
6. One-fifth of the construction is to be completed on or before April 20, 2028.
7. All construction is to be completed on or before October 20, 2030.
8. Water is to be put to beneficial use on or before October 20, 3034.
9. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

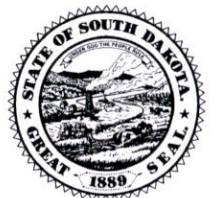
QUALIFICATIONS

1. The well approved under Water Permit No. 2896-2 is located near domestic wells and other wells which may obtain water from the same aquifer. Water withdrawals must be controlled so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The permit holder must report to the Chief Engineer annually the amount of water withdrawn from the Crystalline Rock Aquifer.
3. Water Permit No. 2896-2 authorizes a total annual diversion of up to 1.0 acre-feet of water.

WATER MANAGEMENT BOARD

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

11/21/25
date



JUL 29 2025

SD EForm - 1585LD V5

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

PAID

JUL 29 2025

Ck# 101360

Rec't#

Mail to: DENR - Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. <u>2896-2</u> (office use only) Hydrologic Unit <u>10120109</u>
	Basin <u>Cheyenne</u>
	Newspaper <u>Rapid City Journal</u>

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

Check use(s) of water:

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

Type of Application:
(check one)

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

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

RIGHTS WERE NOT APPLIED FOR WHEN WCR WAS SUBMITTED IN 2008.

- Name to Appear on Water Permit COUNTRY STORE AT THREE FORKS
Mailing Address 23820 US-385 RAPID CITY SD 57702
(Address) (City) (State) (Zip Code)
Phone 605-574-4377 Mobile 605-269-8970 Email matt@stelmachoil.com
- Amount of water claimed 0.22 *CFS or 100 **GPM and < 1 ***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 WELL SE 1/4 NW 1/4 Sec 22-T1S-R5E
- Location of point of diversion SE NW S22 (MARKED INCORRECTLY ON WCR) County PENNINGTON
(example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)
If not a public water supply (e.g. municipal), will water be used outside of the area described above? ☐ Yes ☒ No
If "Yes," where will water be used? _____
(example - NW1/4 section 12-T104N-R53W)
- County or counties where water will be used PENNINGTON
- Annual period during which water is to be used YEAR-ROUND Jan 1 - Dec 31)
- Give a description of the project. When available include any preliminary engineering report or other reports or information that will help explain the project. (Attach sheet if more space is needed)

SEE ATTACHED WCR

Well diverts water to a cistern which provides water to the C-store. Well has peak pump rate of 100 gpm and C-store uses less than 1 acre-foot of water annually.

I, MATT STELMACH, the applicant, certify under
Name of Person Title (if applicable)

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

2015-10

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)

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OFFICE OF
WATER

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

- a) If new wells, how many ____ Have test holes been drilled ☐ Yes ☐ No Drilled by ____
(if yes, please provide copies of logs)
- b) If existing wells, how many ____ Provide copy of log(s), if available. Drilled by ____

For either Existing or Proposed Wells:

- c) Well Depth (required) 100 Depth to Top of Water Bearing Material 25 Depth to Water from Surface ____
- d) Distance to nearest domestic well on applicant's property ____ Property owned by others ____

2. Wastewater Disposal System Information

- a) Type of System (i.e. septic tank, drain field) SEPTIC
- b) System Capacity (gallons) 1500 PRIMARY 1000 secondary Year Constructed ~2008
- c) Connected to the City of N/A Sanitary System

3. Dugout Information

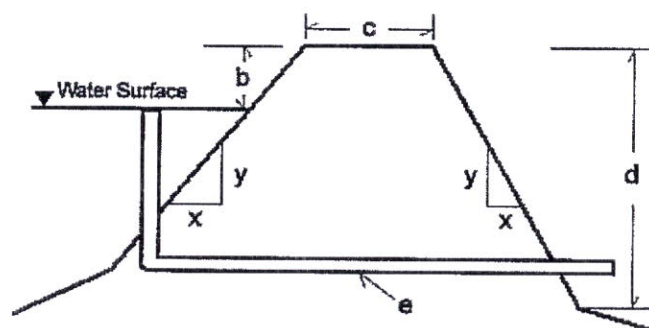
- a) Surface Dimensions estimated 30' x 30' Depth est. 15'
- b) Depth to water (ground surface to water level) ____

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:

Unknown

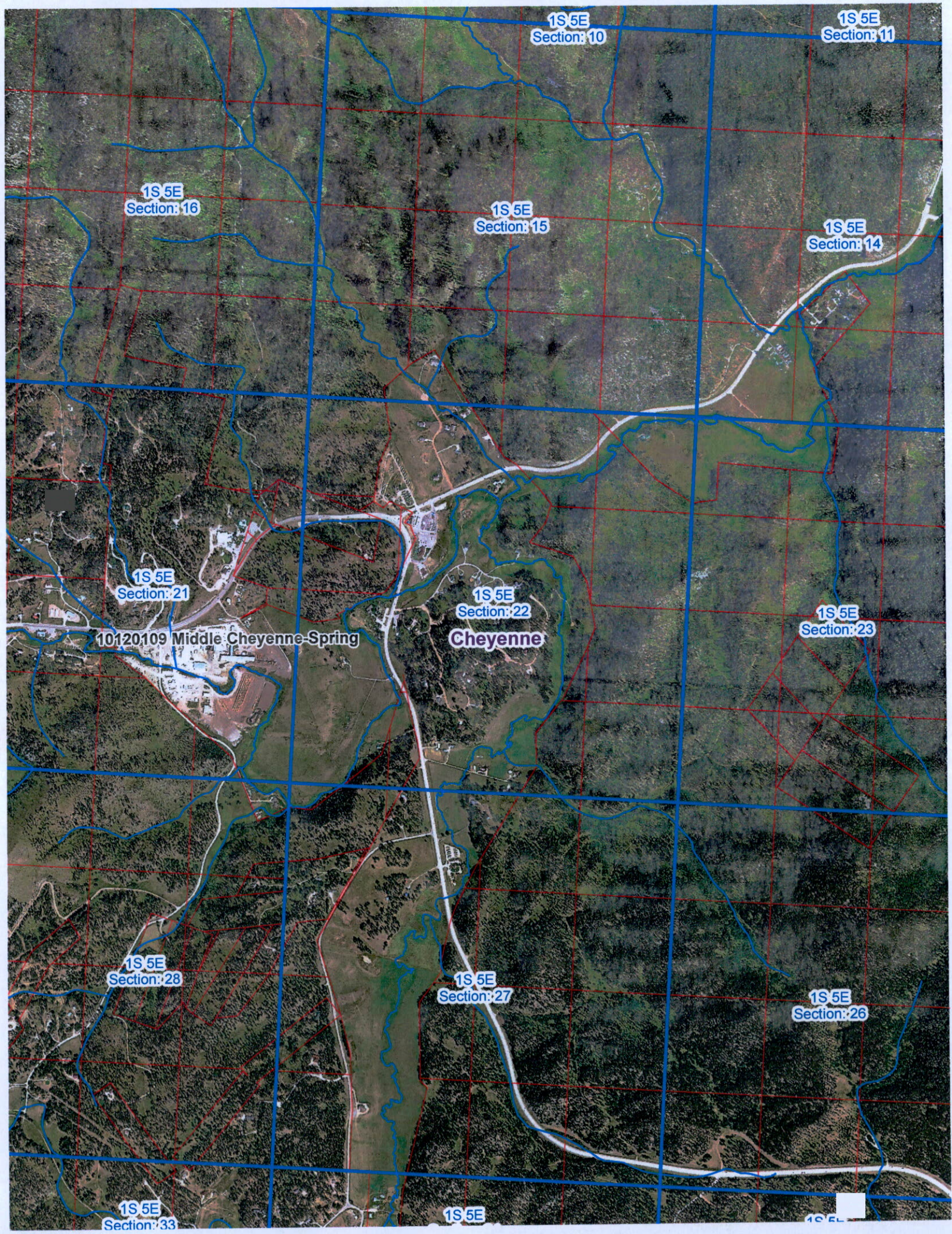


- b) Freeboard ____
- c) Crest Width ____
Crest Length ____
- d) Height ____
- e) Primary Outlet Capacity ____
If pipe, diameter ____
- f) Secondary Spillway Capacity ____
Spillway Width ____
- g) X & Y Slope (e.g. 3 to 1 is a typical slope)
Upstream ____
Downstream ____
- h) Surface Area of Impoundment ____
- i) Storage ____ Acre Feet
- j) Drainage Area Above Dam ____ Acres

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1S 5E
Section: 10

1S 5E
Section: 11

1S 5E
Section: 16

1S 5E
Section: 15

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Section: 14

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Section: 21

1S 5E
Section: 22

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Section: 23

10120109 Middle Cheyenne-Spring

Cheyenne

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Section: 28

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Section: 27

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Section: 26

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Section: 33

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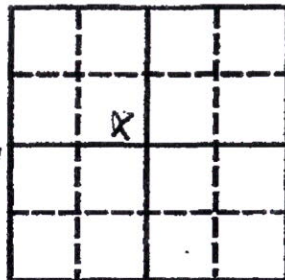
SOUTH DAKOTA WATER WELL COMPLETION REPORT

11-02

Location SE 1/4 NW 1/4 Sec 23 Twp 15 N Rg 5E

County
Pennington

Please mark well location with an "X"



Well Completion Date

11/1/07

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

2170 ft. from Septic (Identify source)

PROPOSED USE:

☒ Domestic Stock Ingestion ☐ Municipal Industrial ☐ Business Institutional ☐ Test Hole Monitoring well

METHOD OF DRILLING:

Rotary Downhole Hammer

CASING DATA:

If other describe 30' of 6" 160 PVE

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
LB/FT	IN	0 FT	28 FT	8 3/4 IN
LB/FT	IN	28 FT	100 FT	6 IN
LB/FT	IN	FT	FT	IN

GROUTING DATA:

Grout Type	No. of Sticks	Grout Weight	From	To
<u>Portland</u>	<u>22</u>	<u>3</u> Lb/gal	<u>28</u> FT	<u>4</u> FT
		Lb/gal	FT	FT

Describe grouting procedure

thru 1" trim pipe

SCREEN: None ☐ Perforated pipe ☐ Manufactured

Diameter _____ inches Length _____ Feet

Material _____

Slot Size _____ Set From _____ Feet to _____ Feet

Other information _____

WAS A PACKER OR SEAL USED? ☐ Yes ☒ No

If so, what material? _____

Describe packer(s) and location _____

DISINFECTION: Was well disinfected upon completion?

☒ Yes, How? _____

☐ No, Why Not? _____

Lab sample sent to for water quality analysis

Wich/Drive SOI.

Well Owner:

Covington Consulting Group

Business Name:

Address:

PO Box 1761

City, State, Zip:

Rapid City, SD 57709

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
<u>HA grey schist</u>	<u>0</u>	<u>38</u>
<u>Schist fract 10gpm</u>	<u>38</u>	<u>40</u>
<u>HA grey schist</u>	<u>40</u>	<u>52</u>
<u>Schist fracture 25gpm</u>	<u>52</u>	<u>55</u>
<u>HA grey schist</u>	<u>55</u>	<u>64</u>
<u>Schist frac 50gpm</u>	<u>64</u>	<u>66</u>
<u>HA grey schist</u>	<u>66</u>	<u>78</u>
<u>HA grey schist Schist frac 100gpm</u>	<u>78</u>	<u>84</u>
<u>HA grey schist</u>	<u>84</u>	<u>87</u>
<u>HA grey schist</u>	<u>87</u>	<u>100</u>

STATIC WATER LEVEL

251

FEET

If flow: closed to pressure _____ PSI

GPM flow 100+

through _____

inch pipe

Controlled by

☐ Valve

☐ Reducers

☐ Other _____

Reduced flow rate _____

GPM

Can well be completely shut in?

WELL TEST DATA:

☒ Pumped Describe: Wair

☐ Bailed

☐ Other _____

Pumping Level Below Land Surface

FL After _____

Has. pumped _____

GPM

FL After _____

Has. pumped _____

GPM

If pump installed, pump rate: _____

GPM

REMARKS

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JAN 17 2008

WATER RIGHTS PROGRAM

This well was drilled under license # 324

And this report to be true and accurate.

Drilling firm:

Dependable Drilling Inc

Signature of License Representative:

Travis Sewell

Signature of Well Owner or Eligible Property Holder:

Date:

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JUL 29 2025

OFFICE OF WATER

1-22-08

RECEIPT

WATER RIGHTS PROGRAM South Dakota Department of Agriculture and Natural Resources

Date July 29th, 2025

RECEIVED OF Country Store At Three Forks 23820 US-385 Rapid City SD 57702

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

Fee for Application for Permit No. <u>2896-2</u> to Appropriate Water, to construct and to put water to beneficial use	\$ <u>500.00</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>2896-2</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>700.00</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. 2896-2, Country Store At Three Forks**

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. 2896-2, Country Store At Three Forks, 23820 US - 385, Rapid City SD 57702.

The Acting Chief Engineer is recommending APPROVAL of Application No. 2896-2 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing domestic water uses and water rights, 3) the proposed use is a beneficial use and 4) it is in the public interest as it pertains to matters of public interest within the regulatory authority of the Water Management Board with the following qualifications:

1. The well approved under Water Permit No. 2896-2 is located near domestic wells and other wells which may obtain water from the same aquifer. Water withdrawals must be controlled so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The permit holder must report to the Chief Engineer annually the amount of water withdrawn from the Crystalline Rock Aquifer.
3. Water Permit No. 2896-2 authorizes a total annual diversion of up to 1.0 acre-feet of water.

See report on application for additional information.

Mark Mayer, PE
Director of Office of Water
September 22, 2025

Report to the Chief Engineer
On Water Permit Application No. 2896-2
Country Store at Three Forks

September 22, 2025

Water Permit Application No. 2896-2 proposes to appropriate up to 1.0 acre-foot of water annually at a maximum instantaneous diversion rate of 0.22 cubic feet per second (cfs) (approximately 100 gallons per minute (gpm)) from one well completed into the Crystalline Rock aquifer (100 feet deep) located in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 22-T1S-R5E for commercial use at the convenience store. The site of interest is located in Pennington County approximately two and one-half miles northeast of Hill City, SD.

AQUIFER: Crystalline Rock (CRSL)

HYDROGEOLOGY:

The Crystalline Rock aquifer consists of many localized aquifers within the Precambrian-aged, crystalline core of the Black Hills, where extensive fractures and weathering zones allow for the transmission of water (Driscoll and Carter, 2001). The crystalline rock is generally exposed at land surface except where overlain by localized gravel deposits and alluvium along stream beds and topsoil (Martin et al., 2004; Redden et al., 2016 and Redden et al., 2017). 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 well consists primarily of Alluvium Deposits (Qal) along Spring Creek and its tributaries, which includes unconsolidated to loosely consolidated material ranging from clasts to boulder size that have been deposited in present-day stream drainages and Metagraywacke (Xqwd), which includes Quartz-mica schist, quartzose schist, and aluminous schist (Redden et al., 2017).

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.

A water well completion report was submitted with Water Permit Application No. 2896-2. The report lists, “hard gray schist” from 0 to 38 feet below the ground surface, “schist fracture 10 gpm” from 38 to 40 feet, “hard gray schist” from 40 to 52 feet, “schist fracture 25 gpm” from 52 to 55 feet, “hard gray schist” from 55 to 64 feet, “schist fracture 50 gpm” from 64 to 66 feet, “hard gray schist” from 66 to 76 feet, “schist fracture 75 gpm” from 76 to 78 feet, “hard gray schist” from 78 to 84 feet, “schist fracture 100 gpm” from 84 to 87 feet, and “hard gray schist” from 87 to 100 feet below the ground surface. The well was cased to a depth of 28 feet below ground surface and had a static water level of approximately 25 feet below the ground surface at the time of completion (November 7, 2007) (Water Rights, 2025c). Based on the fracture information and total casing depth, the aquifer is confined at this well site.

Figure 1 displays the location of the existing well proposed to be used by Water Permit Application No. 2896-2, with the Crystalline Rock aquifer water rights/permits within approximately one mile (Water Rights, 2025b), and the significant fault locations (modified from Redden et al., 2016 and Redden et al., 2017). Table 1 lists the water rights/permits displayed in Figure 1. It is highly likely the localized portion of the Crystalline Rock aquifer this application proposes to use is limited by these mapped faults and other significant geological features (such as, synclines and anticlines). Furthermore, the actual areal extent of the localized aquifer is likely even further limited by localized secondary porosity. However, information is not available to delineate an exact extent of the localized aquifer.

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

Permit No.	Name	Status	Use	Authorized Diversion Rate (cfs)	Authorized Annual Volume (acre-feet)
2159-2	Daisey Enterprise LLC	LC	COM	0.07	
2232-2	Mountain View Lodge	LC	COM	0.034	
2238-2	Larry & Karen Moore	LC	COM, DOM	0.022	
2246-2	Gordon W Collins	LC	COM	0.022	
2492-2	Rushmore Forest Products	LC	IND, DOM	0.52	
2506-2	Daisey Enterprise LLC	LC	COM	0.01	
2529-2	Addie Camp Water & Septic Association	LC	COM	0.056	
2589-2	Rolland & Dawn Owens	LC	COM	0.022	
2719-2	Addie Camp Water & Septic Association	LC	COM	0.06	
2826-2	Andy Edsen	PE	COM	0.033	6
LC: Licensed Water Right; PE: Water Permit; COM: Commercial; DOM: Domestic; IND: Industrial					

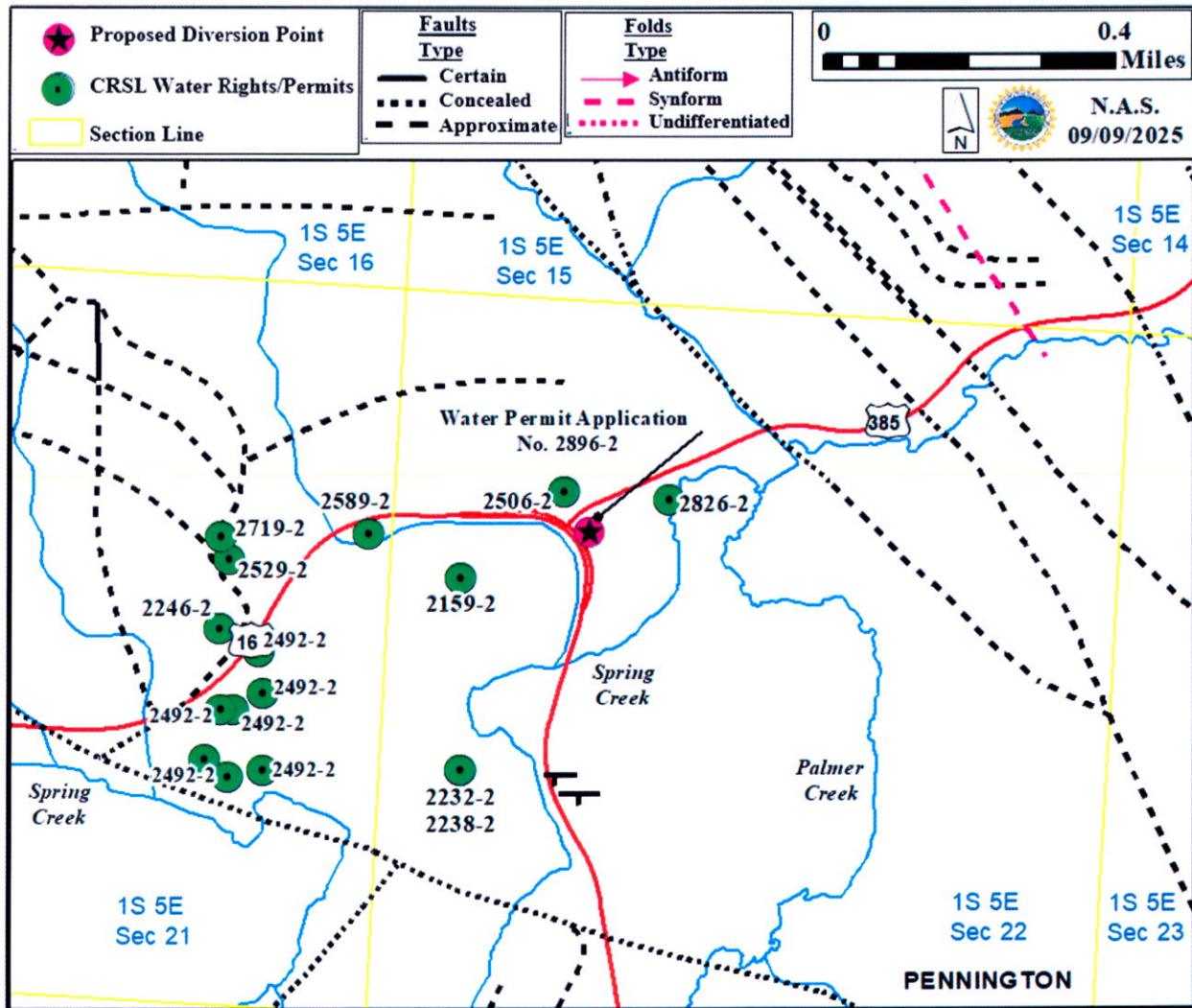


Figure 1. Location of the existing well proposed to be used by Water Permit Application No. 2896-2 with the Crystalline Rock aquifer water rights/permits within approximately one mile (Water Rights, 2025b), and the significant fault locations (modified from Redden et al., 2016 and Redden et al., 2017)

South Dakota Codified Law (SDCL) 46-2A-9

Pursuant to SDCL 46-2A-9, “A permit to appropriate water may be issued only if there is a reasonable probability that there is unappropriated water available for the applicant’s proposed use, that the diversion point can be developed without unlawful impairment of existing domestic water uses and water rights, and that the proposed use is a beneficial use and in the public interest as it pertains to matters of public interest within the regulatory authority of the Water Management Board as defined by SDCL 46-2-9 and 46-2-11.” This report will address the availability of unappropriated water and the potential for unlawful impairment of existing domestic water uses and water rights within the Crystalline Rock aquifer.

WATER AVAILABILITY:

Water Permit Application No. 2896-2 proposes to appropriate water from the Crystalline Rock aquifer. The probability of unappropriated water being available from the aquifer can be evaluated by considering SDCL 46-6-3.1, which requires “No application to appropriate groundwater may be approved if, according to the best information reasonably available, it is probable that the quantity of water withdrawn annually from a groundwater source will exceed the quantity of the average estimated annual recharge of water to the groundwater source. An application may be approved, however, for withdrawals of groundwater from any groundwater formation older than or stratigraphically lower than the Greenhorn formation in excess of the average estimated annual recharge for use by water distribution systems.” The Crystalline Rock aquifer is older than and stratigraphically lower than the Greenhorn Formation (Fahrenbach et al., 2010); however, the applicant’s proposed use is not for use in a water distribution system as defined by SDCL 46-1-6(17). Therefore, the average annual recharge and average annual withdrawal rates to and from the Crystalline Rock aquifer must be considered.

HYDROLOGIC BUDGET:

Recharge

Recharge to the Crystalline Rock aquifer is through the infiltration of precipitation and streamflow losses (likely Spring Creek at this location) (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 well with any level of certainty. Furthermore, the spatial variability and transient nature of the recharge means that even if there was a delineation for this Crystalline Rock aquifer at the applicant’s proposed location, simply applying the 3,600 acre-feet per year equally over the entirety of the aquifer is inappropriate. However, by utilizing Driscoll and Carter’s (2001) estimated recharge rate of 3,600 acre-feet per year, or 0.07 inches per year, for the Crystalline Rock aquifer, a general sense of the minimum average annual recharge rate is provided. It must be emphasized that, due to the transient and variable nature of the recharge conditions, this number is not necessarily reliable. Furthermore, Driscoll and Carter (2001) noted that average annual recharge rate must be much greater to account for discharge from the Crystalline Rock aquifer to streamflow. Therefore, there is no estimated average annual recharge rate available for the localized Crystalline Rock aquifer the applicant proposes to use.

Carter and Driscoll (2001) also estimated average annual yield potential. The average annual yield potential is essentially how much precipitation is left after subtracting evapotranspiration.

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

Figure 2 displays a map of the estimated annual yield potential from Carter and Driscoll's (2001) report, with the location of the existing well for Water Permit Application No. 2896-2, 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 has an estimated average annual yield potential of between approximately 1 and 2 inches per year (Driscoll and Carter, 2001). Average annual yield potential is not appropriate to use as a recharge rate for the Crystalline Rock aquifer, but it does provide a general sense of an upper limit of a possible recharge rate.

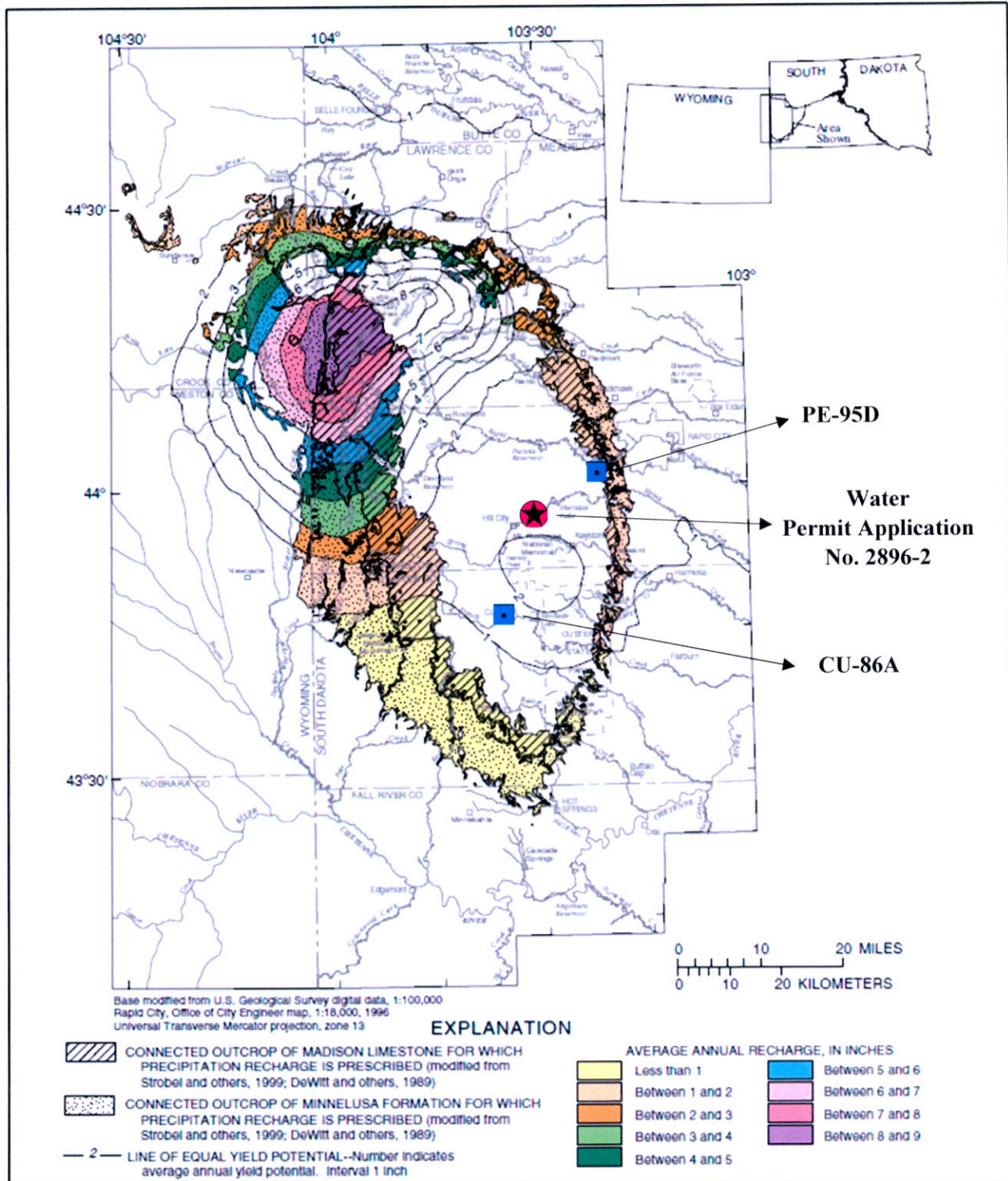


Figure 2. Estimated annual yield potential for the Black Hills in South Dakota and Wyoming for water years 1950 to 1998 (modified from Carter, J. M., Driscoll, D. G., Hamade, G. R., & Jarrell, G.J., 2001), with the location of the existing well proposed to be used by Water Permit Application No. 2896-2, and the Crystalline Rock aquifer observation wells in western South Dakota (Water Rights, 2025a and 2025c)

Discharge

Discharge from the Crystalline Rock aquifer is primarily through well withdrawals (Water Rights, 2025c), seepage to streams (likely Spring Creek at this location) (Driscoll and Carter, 2001), and evapotranspiration where the static water level of the aquifer is at or near the ground surface.

As shown in Figure 1, the existing well proposed to be used by this application, Water Right Nos. 2159-2, 2232-2, 2238-2, 2492-2, 2506-2, 2529-2, 2589-2 and 2719-2 and Water Permit No. 2826-2, are separated from the other nearby water rights/permits by several faults (modified from Redden et al., 2016 and Redden et al., 2017).

Table 2 summarizes the water rights/permits authorized to appropriate water from the localized Crystalline Rock aquifer within the same region bounded by faults as the existing well for Water Permit Application No. 2896-2, with the estimated annual use for each water right/permit as determined by their permitted maximum diversion rate or annual volume. Historically, average water use by non-irrigation appropriations limited by an instantaneous diversion rate have been assumed to be pumping 60% of full time at the respective permitted diversion rate. Water rights/permits limited by an annual volume are assumed to withdraw their entire respective annual volume limitation. This is a standard method used by the DANR-Water Rights Program for estimating annual withdrawals by non-irrigation appropriations from an aquifer and is likely an overestimation of average annual withdrawals (Water Rights, 2025b). Overall, the estimated average annual withdrawal rate from the localized Crystalline Rock aquifer by the currently authorized water rights/permits (including the estimated use for Water Permit Application No. 2896-2, if approved) is approximately 352.1 acre-feet per year (Table 2) (Water Rights, 2025b).

It is worth noting the permitted use for Water Right No. 2492-2 is likely an overestimation. Contact was made with the permit holder, and it was indicated the lumber yard is not currently operational, but options are being explored. The current estimated use for Water Right No. 2492-2 is likely less than 10 acre-feet per year based on the conversation with the permit holder (Dewell, 2025).

It should be further noted, several of these water rights are used by seasonal enterprises and the 60% pumping estimate is likely an even greater overestimate for those entities. Due to the seasonality and that most water use is estimated using the 60% pumping method, it may be prudent to require annual reporting of water pumped for the water rights/permits listed in Table 2. Additionally, if this application is approved, a qualification requiring the applicant to report to the Chief Engineer annually the amount of water withdrawn each year should be included.

Table 2. Estimated average annual water use for the water rights authorized to withdraw water from the localized Crystalline Rock aquifer within the same faults as the existing well, including estimated use for Water Permit Application No. 2896-2, if approved (Water Rights, 2025b)

Permit No.	Name	Status	Use	Authorized Diversion Rate (cfs)	Authorized Annual Volume (acre-feet)	Estimated Use (acre-feet/year)
2159-2	Daisey Enterprise LLC	LC	COM	0.07		30.4
2232-2	Mountain View Lodge	LC	COM	0.034		14.8
2238-2	Larry & Karen Moore	LC	COM, DOM	0.022		9.6
2492-2	Rushmore Forest Products	LC	IND, DOM	0.52		226
2506-2	Daisey Enterprise LLC	LC	COM	0.01		4.3
2529-2	Addie Camp Water & Septic Association	LC	COM	0.056		24.3
2589-2	Rolland & Dawn Owens	LC	COM	0.022		9.6
2719-2	Addie Camp Water & Septic Association	LC	COM	0.06		26.1
2826-2	Andy Edsen	PE	COM	0.033	6	6
2896-2	Country Store at Three Forks	<i>pending</i>	COM	0.22	1	1
LC: Licensed Water Right; PE: Water Permit; COM: Commercial; DOM: Domestic; IND: Industrial					TOTAL:	352.1

There are a number of domestic wells completed into the Crystalline Rock aquifer within the area of the existing well 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 well that are not on file with the DANR-Water Rights Program, or wells that are no longer in use. 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 Carter and Neitzert's (2008) report on estimated water use in South Dakota. For Pennington County, self-supplied domestic water users withdrew approximately 70 gallons per day per capita. That is equivalent to approximately 0.2 acre-feet per year for each rural dwelling, assuming each dwelling has one well, using the previously mentioned assumptions, and that the dwelling is occupied year-round. There were 27 domestic wells identified that are separated from the other nearby well logs on file by several faults (modified from Redden et al., 2016 and Redden et al., 2017; Water Rights, 2025c). The DANR-Water Rights Program Well Completion Report database maps reports at the centroid of the smallest geographically 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.

It is unlikely each of the domestic wells within the same fault complex (as the water rights/permits being included in the discharge analysis) as the existing well are completed into the same fracture system and thus, withdrawing from the same localized portion of the Crystalline Rock aquifer as the applicant's existing well (Water Rights, 2025c). However, to somewhat overestimate the domestic use withdrawal rate in this area, assuming 0.2 acre-feet per

year for each rural dwelling, the 27 domestic wells estimated use equates to approximately 5.4 acre-feet per year. This estimate for domestic use is provided 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. 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 a general sense of an upper limit on a possible recharge rate to the Crystalline Rock aquifer ranging between approximately 1 to 2 inches per year.

The estimated average annual withdrawal rate for the water rights within the same faults as the existing well, including the estimated use for Water Permit Application No. 2896-2, is approximately 352.1 acre-feet per year. Assuming 0.2 acre-feet per year for each rural dwelling, the 27 domestic wells within same fracture complex as existing well equates to approximately 5.4 acre-feet per year. Collectively, the estimated average annual withdrawal rate is approximately 357.5 acre-feet per year. This withdrawal estimate is likely an overestimation based on the phone conversation with the permit holder for Water Right No. 2492-2 and the seasonal use of many of the water rights in this area.

OBSERVATION WELL DATA:

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

Observation wells provide data on how the aquifer reacts to regional climatic conditions and local pumping. The DANR-Water Rights Program monitors two observation wells that have been historically considered as completed into the Crystalline Rock aquifer in western South Dakota (Water Rights, 2025a). These observation wells are PE-95D (approximately 8.9 miles northeast of the existing well) and CU-86A (approximately 12.8 miles southwest of the existing well) (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 hydrograph are measurements of the static water level in the observation wells from the top of the well casing.

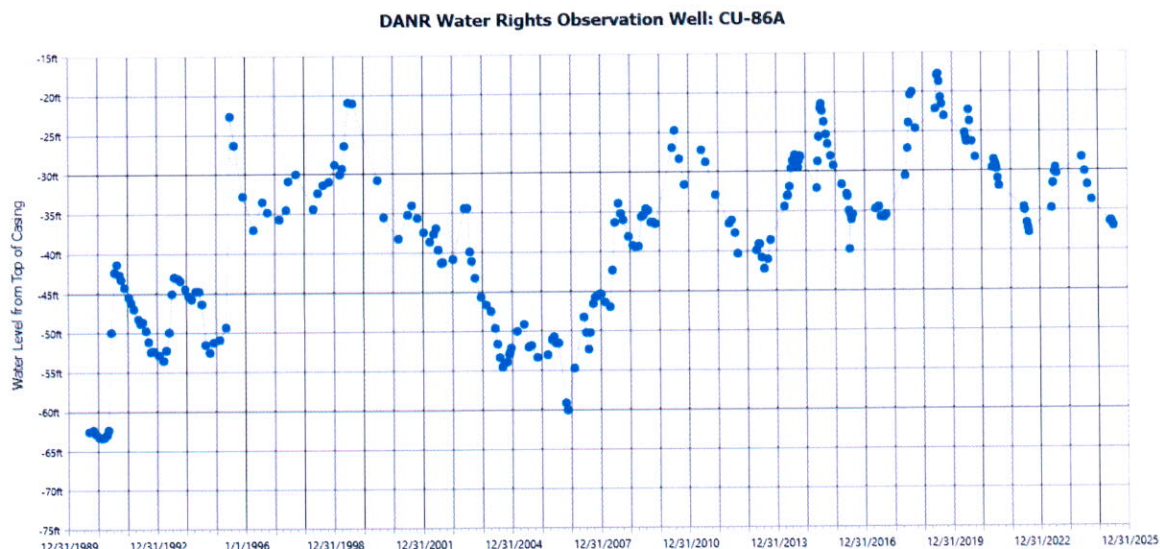


Figure 3. Hydrograph for observation well CU-86A (Water Rights, 2025a)

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 12.8 miles southwest of the existing well, the hydrograph still documents that recharge to the Crystalline Rock aquifer has occurred over the period of record (Water Rights, 2025a).

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

When considering the hydrograph for observation well CU-86A, Driscoll's and Carter's (2001) commentary regarding recharge to the Crystalline Rock aquifer, and the relatively small annual appropriation requested by this application, there is a reasonable probability unappropriated water is available for this proposed appropriation. This is further supported by the fact the well was drilled in 2007, and this facility has been in operation for a number of years before this application to bring it into compliance with SD Water Law.

POTENTIAL FOR UNLAWFUL IMPAIRMENT OF EXISTING WATER RIGHTS:

As shown in Figure 1, the existing well proposed to be used by this application, Water Right Nos. 2159-2, 2232-2, 2238-2, 2492-2, 2506-2, 2529-2, 2589-2 and 2719-2 and Water Permit No. 2826-2, are separated from the other nearby water rights by several faults (modified from Redden et al., 2016 and Redden et al., 2017; Water Rights, 2025b). The closest water right/permit to the existing well is Water Right No. 2506-2, which is held by Daisey Enterprise LLC. The diversion point for Water Right No. 2506-2 is located approximately 0.06 miles (350 feet) northwest of the existing well proposed to be used by this application (Table 1) (Figure 1) (Water Rights, 2025b).

There are domestic wells on file with the DANR-Water Rights Program that are completed into the Crystalline Rock aquifer, with the closest domestic well on file (not held by the applicant) located approximately 0.04 miles (200 feet) southeast of the existing well site (Water Rights, 2025c). There could potentially be other domestic wells completed into the Crystalline Rock aquifer near the well 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). This well interference complaint was heard at a Water Management Board meeting and the Board concluded the permit holders had satisfied each of the factors set forth in SDCL 46-2A-12; additionally, no complaints have been reported since that hearing (Water Rights, 2025b and 2025d). The diversion points authorized under Water Right No. 2572-2 are located approximately 7.5 miles northwest of the 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).

Development of both appropriative and domestic use wells completed into the Crystalline Rock aquifer have continued with minimal history of well interference complaints in Pennington County. Water Permit Application No. 2896-2 is requesting a relatively limited diversion rate, appropriation volume, the well has been in use since approximately 2007 without reported well interference complaints, and the Crystalline Rock aquifer has large natural fluctuations of water levels that often mask or exceed drawdown caused by well pumping. Therefore, there is a reasonable probability this application can be developed without unlawful impairment of existing water right/permit holders or domestic users with adequate wells (Water Rights 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), which states in part, “The depth of the pump setting shall be determined by dividing the specific capacity into the required yield and adding at least 10 additional feet to maintain pump inlet submergence below the maximum anticipated drawdown, where possible.”

There is a reasonable probability that the proposed diversion by Water Permit Application No. 2896-2 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 No. 2896-2 seeks to appropriate a relatively small annual volume of water; and
- The existing well proposed to be used has been in place and is presumed to have been in use since approximately 2007 without any reported well interference complaints on file with the DANR-Water Rights Program (Water Rights, 2025d).

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

CONCLUSIONS:

1. Water Permit Application No. 2896-2 proposes to appropriate up to 1.0 acre-feet of water annually at a maximum instantaneous diversion rate of 0.22 cfs (approximately 100 gpm) from one well completed into the Crystalline Rock aquifer (100 feet deep) for commercial use at the convenience store. The site of interest is located in Pennington County approximately two and one-half miles northeast of Hill City, SD.
2. Based on observation well data and the hydrologic budget, there is a reasonable probability that unappropriated water is available from the Crystalline Rock aquifer to supply the proposed appropriation.
3. There is a reasonable probability that the proposed diversion by Water Permit Application No. 2896-2 will not unlawfully impair adequate wells for existing water rights/permits and domestic users.

4. If this application is approved, a qualification requiring the applicant to control their water withdrawals, so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights, should be included.
5. If this application is approved, a qualification requiring the applicant to report to the Chief Engineer annually the amount of water withdrawn each year 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

References

- Carter, J. M., Driscoll, D. G., Hamade, G. R., & Jarrell, G.J., 2001. Estimated Recharge to the Madison and Minnelusa Aquifers in the Black Hills Area, South Dakota and Wyoming, Water Years 1931-98; Water-Resources Investigations Report 00-4278. Rapid City, South Dakota: U.S. Geological Survey.
- Carter, J. M and Neitzert, K.M., 2008. Estimated Use of Water in South Dakota, 2005. Scientific Investigations Report 2008-5216. U.S. Geological Survey, Rapid City. SD.
- Dewell, A., 2025. Email Communication – September 16, 2025. SD DANR-Water Rights Program. Pierre, SD.
- Driscoll, D. G., & Carter, J. M., 2001. Hydrologic Conditions and Budgets for the Black Hills of South Dakota, Through Water Year 1998; Water-Resources Investigations Report 01-4226. Rapid City, South Dakota: U.S. Geological Survey.
- Fahrenbach, M.D., Steece, F.V., Sawyer, J.F., McCormick, K.A., McGillivray, G.L., Schulz, L.D., and Redden, J.A. 2010. South Dakota Stratigraphic Correlation Chart. Oil and Gas Investigations 3. SD DANR-Geological Survey, Vermillion, SD.
- Kilts, W., 2018. Report to the Chief Engineer on Water Permit Application No. 2789-2 Rushmore Cave. Pierre, South Dakota: SD DANR-Water Rights Program.
- Lester, J. L. and Rahn, P. H., 2001. Geologic Map of the Rockerville Quadrangle, South Dakota: 7.5 Minute Series Geologic Quadrangle Map 3. Rapid City: South Dakota Geological Survey Program.

- Martin, J.E., Sawyer, J.F., Fahrenbach, M.D., Tomhave, D.W., and Schulz, L.D., 2004. "Geologic Map of South Dakota," SD-DANR Geological Survey Program, Vermillion, SD.
- Mathiowetz, A., 2021a. Personal Communication – November 2, 2021. SD DANR-Water Rights Program. Pierre, SD.
- Mathiowetz, A., 2021b. Report to the Chief Engineer on Water Permit Application No. 2824-2 Cosmos of the Black Hills. Pierre, South Dakota: SD DANR-Water Rights Program.
- Rahn, P. H., 1979. Ground Water Resources of Western South Dakota. Rapid City: Department of Geology and Geological Engineering South Dakota School of Mines and Technology.
- Redden, J. A., Saxton, S.L., Terry, M.P., and Fahrenbach, M.D., 2016. Geologic Map of the Mount Rushmore Quadrangle, South Dakota: 7.5 Minute Series Geologic Quadrangle Map 26. Rapid City: South Dakota Geological Survey Program.
- Redden, J.A. and Uzunlar, N., 2017. Geologic Map of the Hill City Quadrangle, South Dakota: 7.5 Minute Series Geologic Quadrangle Map 23. Rapid City: South Dakota Geological Survey Program.
- SDGS, 2025. South Dakota Geological Survey Lithologic Logs Database. Accessed September 9, 2025. <http://cf.sddanr.net/lithdb/>.
- Water Rights, 2025a. Observation Well Data, SD DANR-Water Rights Program, Joe Foss Bldg, Pierre, SD.
- Water Rights, 2025b. Water Right/Permit Files, SD DANR-Water Rights Program, Joe Foss Bldg, Pierre, SD.
- Water Rights, 2025c. Well Completion Reports, SD DANR-Water Rights Program, Joe Foss Bldg, Pierre, SD.
- Water Rights, 2025d. County Files, SD DANR-Water Rights Program, Joe Foss Bldg, Pierre, SD.



**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 NEWSPAPER RIGHT AWAY.**

September 24, 2025

Country Store At Three Forks
c/o Matt Stelmach
23820 US-385
Rapid City SD 57702

Dear Mr. Stelmach:

Water Permit Application No. 2896-2 for commercial use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice has been sent to the Rapid City Journal printed in Rapid City SD (Ph # 605-394-8300). You will need to contact the newspaper and authorize publication of this notice. For your information, a copy of the notice, the recommendation of the 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 newspaper to authorize publication of your Notice and to arrange for payment. Early contact with the paper can eliminate delays. Upon receiving authorization from you, the publisher has been instructed to publish your notice. The newspaper has also been instructed to send us the Proof of Publication. We must receive Proof of Publication before action can be taken on the application.

Sincerely,

Rachel Rodriguez

Rachel Rodriguez
Water Rights Program
(605) 773-3352

enclosures

NOTE: If you plan to contest any part of the 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.

NOTICE OF APPLICATION NO. 2896-2 to Appropriate Water

Notice is given that Country Store At Three Forks, 23820 US-385, Rapid City SD 57702, has filed an application for a water permit to appropriate an amount not exceeding 1.0 acre-feet of water annually at a maximum pump rate of 0.22 cubic feet of water per second from one well completed into the Crystalline Rock Aquifer (100 feet deep) located in the SE 1/4 NW 1/4 Section 22-T1S-R5E for commercial use at the convenience store. This site is located approximately two and one-half miles northeast of Hill City SD.

Pursuant to SDCL 46-2A-2, the Acting Chief Engineer recommends APPROVAL of Application No. 2896-2 with qualifications because 1) unappropriated water is available, 2) existing domestic water uses and water rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest as it pertains to matters within the regulatory authority of the Water Management Board. The Acting Chief Engineer's recommendation with qualifications, the application, and staff report are available at <https://danr.sd.gov/public> or contact Ron Duvall for this information, or other information, at the Water Rights Program address provided below.

Any person interested in opposing this application or recommendation shall allege that the application, upon approval, will cause injury to the person that is unique from any injury suffered by the public in general. The injury must concern a matter either within the regulatory authority found in SDCL 46-2A-9 for approval or denial of the application, or other matter concerning the application within the regulatory authority of the board to act upon as defined by SDCL 46-2-9 and 46-2-11, or both. Any person meeting the petitioner requirements and wishing to be a party of record in a contested case hearing shall file a written petition to oppose the application with BOTH the applicant and Acting Chief Engineer. A petition opposing the application 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 recommendation, the applicant shall also file a petition. A petition filed by either an interested person or the applicant must be filed by October 20, 2025.

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

Any interested person may file a comment on the application with the 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 October 20, 2025.

If the applicant does not contest the recommendation of the Acting Chief Engineer and no petition to oppose the application is received, the Acting Chief Engineer shall act on the application pursuant to the recommendation with no hearing held before the Water Management Board. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled, and the Water Management Board will consider this application. Notice of the hearing will be given to the applicant and any person filing a petition.

Published once at the total approximate cost of_

Rodriguez, Rachel

From: Bailee Liston <leelegals@column.us>
Sent: Wednesday, September 24, 2025 1:47 PM
To: Rodriguez, Rachel; matt@stelmachoil.com
Subject: Re: [EXT] 2896-2 County Store At 3 Forks - Public Notice

Got it,

This has been updated! I am showing that under Matt's email. It is using your information. Matt can you register your account at [Column.us/register](https://column.us/register) and update your account settings?

Your notice is scheduled to be published in the The Rapid City Journal on October 9, 2025.
Your Notice ID is: [0r8jHT6ykeqG6lueDggU](#)

Rachel Rodriguez

matt@stelmachoil.com | ● Not registered

Details Organization Settings Notes

Name	Rach
Email address	matt@steli
Phone number	(60
Address	523 E Ca
Address line 2	
City	
State	S
Zip Code	
Internal ID	

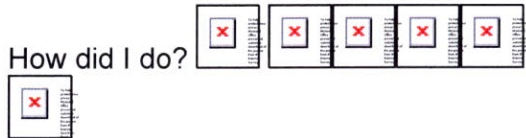
Thank you,

// Bailee Liston

// Column Pro Representative

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Column lets you review your ad before submission, receive your proof, and ensure accuracy. Go to column.us/place to start.



On September 24, 2025 at 10:44 AM PDT rachel.rodriguez@state.sd.us wrote:

Good afternoon,

Please update the email address with matt@stelmachoil.com and name as Matt Stelmach, as the applicant pays for the notice.

Thank you,

Rachel Rodriguez

DANR | Program Assistant

Rachel.Rodriguez@state.sd.us



From: Bailee Liston <leelegals@column.us>

Sent: Wednesday, September 24, 2025 11:45 AM

To: Rodriguez, Rachel <Rachel.Rodriguez@state.sd.us>

Subject: Re: [EXT] 2896-2 County Store At 3 Forks - Public Notice

Hi there,

Your notice is scheduled to be published in the The Rapid City Journal on October 9, 2025.

Your Notice ID is: [I3tGMla0hHMnwN44vNgM](#)

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!

// Bailee Liston

// Column Pro Representative

// **Important: it's highly advised that you use Column's self-serve portal to place your legals ads.**

Column lets you review your ad before submission, receive your proof, and ensure accuracy. Go to column.us/place to start.

How did I do? 

On September 24, 2025 at 7:44 AM PDT rachel.rodriguez@state.sd.us wrote:

Attached is a notice to be published on October 9, 2025.

Country Store At Three Forks, 23820 US-385, Rapid City SD 57702, 605-574-4377, 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: Wednesday, September 24, 2025 9:44 AM
To: RCY Legals
Subject: 2896-2 County Store At 3 Forks - Public Notice
Attachments: 2896-2 public.short_final.docx; FORM8.FRM.doc

Attached is a notice to be published on October 9, 2025.

Country Store At Three Forks, 23820 US-385, Rapid City SD 57702, 605-574-4377, 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



See Proof on Next Page

AFFIDAVIT OF PUBLICATION

Department of Agriculture and Natural Resources
523 E Capitol Avenue
Pierre South Dakota 57501

State of Florida, County of Orange, ss:

I, Anjana Bhadoriya, 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:

- Oct 9, 2025

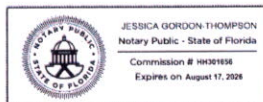
NOTICE ID: 0r8jHT6ykeqG6lueDggU

NOTICE NAME: 2896-2 public.short_final

TOTAL AD COST: \$87.63

Anjana Bhadoriya

Agent



VERIFICATION

State of Florida
County of Orange

Signed or attested before me on this: 10/10/2025



Notary Public

Notarized remotely online using communication technology via Proof.

RECEIVED

OCT 10 2025

Water Rights
Program

NOTICE OF APPLICATION NO. 2896-2 to Appropriate Water

Notice is given that Country Store At Three Forks, 23820 US-385, Rapid City SD 57702, has filed an application for a water permit to appropriate an amount not exceeding 1.0 acre-feet of water annually at a maximum pump rate of 0.22 cubic feet of water per second from one well completed into the Crystalline Rock Aquifer (100 feet deep) located in the SE 1/4 NW 1/4 Section 22-T1S-R5E for commercial use at the convenience store. This site is located approximately two and one-half miles northeast of Hill City SD.

Pursuant to SDCL 46-2A-2, the Acting Chief Engineer recommends APPROVAL of Application No. 2896-2 with qualifications because 1) unappropriated water is available, 2) existing domestic water uses and water rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest as it pertains to matters within the regulatory authority of the Water Management Board. The Acting Chief Engineer's recommendation with qualifications, the application, and staff report are available at <https://danr.sd.gov/public> or contact Ron Duvall for this information, or other information, at the Water Rights Program address provided below.

Any person interested in opposing this application or recommendation shall allege that the application, upon approval, will cause injury to the person that is unique from any injury suffered by the public in general. The injury must concern a matter either within the regulatory authority found in SDCL 46-2A-9 for approval or denial of the application, or other matter concerning the application within the regulatory authority of the board to act upon as defined by SDCL 46-2-9 and 46-2-11, or both. Any person meeting the petitioner requirements and wishing to be a party of record in a contested case hearing shall file a written petition to oppose the application with BOTH the applicant and Acting Chief Engineer. A petition opposing the application 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 recommendation, the applicant shall also file a petition. A petition filed by either an interested person or the applicant must be filed by October 20, 2025.

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

Any interested person may file a comment on the application with the 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 October 20, 2025.

If the applicant does not contest the recommendation of the Acting Chief Engineer and no petition to oppose the application is received, the Acting Chief Engineer shall act on the application pursuant to the recommendation with no hearing held before the Water Management Board. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled, and the Water Management Board will consider this application. Notice of the hearing will be given to the applicant and any person filing a petition.

Published once at the total approximate cost of_

(Published October 9, 2025 for a total approximate cost of \$87.63 and may be viewed for free at www.sdpublicnotices.com)
Legal No: COL-SD-3378

RECEIVED

OCT 10 2025

Water Rights
Program

Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Wednesday, September 24, 2025 2:00 PM
To: 'matt@stelmachoil.com'
Subject: FW: [EXT] 2896-2 County Store At 3 Forks - Public Notice
Attachments: 2896-2 Rec.pdf; 2896-2 Ltr.pdf; 2896-2 PubNotice.pdf

Hello Matt,

Attached is a copy of the report, acting chief engineer's recommendation, and information regarding the public notice for your water permit application. The Rapid City Journal uses an online portal. You should have received an email directly, if not, please see below. You will need to register your account to authorize and arrange for payment. This information is also being mailed to you today.

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

Thank you,

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



From: Bailee Liston <leelegals@column.us>
Sent: Wednesday, September 24, 2025 1:47 PM
To: Rodriguez, Rachel <Rachel.Rodriguez@state.sd.us>; matt@stelmachoil.com
Subject: Re: [EXT] 2896-2 County Store At 3 Forks - Public Notice

Got it,

This has been updated! I am showing that under Matt's email. It is using your information. Matt can you register your account at [Column.us/register](https://column.us/register) and update your account settings?

Your notice is scheduled to be published in the The Rapid City Journal on October 9, 2025.
Your Notice ID is: [0r8jHT6ykeqG6lueDggU](https://column.us/register)



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

November 21, 2025

Country Store At Three Forks
c/o Matt Stelmach
23820 US-385
Rapid City SD 57702

Dear Mr. Stelmach:

Enclosed is Water Permit No. 2896-2 authorizing construction of the water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

Form 10, *Notice of Completion of Works and Application of Water to Beneficial Use*, is enclosed. Please return this completed form after you have finished the system and have put the water to beneficial use. An investigation can then be scheduled so the water license may be issued, thus completing the acquisition of a water right.

An informational sheet *Common Water Right Questions?* is also enclosed. This sheet is intended to answer some of the questions associated with obtaining and keeping a water right.

Sincerely,

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**

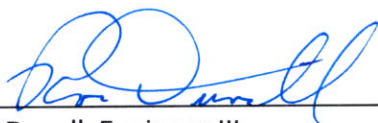
Pursuant to SDCL § 46-2A-4, public notice of the following application was posted on the DANR web site at <https://danr.sd.gov/public>. The posted public notice is the same notice as published in the pertinent newspaper(s) and a copy of the public notice is maintained in the application file. If the 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.: 2896-2

Name of Applicant: Country Store At Three Forks, Matt Stelmach

Date of Posting:

Date of Removal: 11/21/2025



Ron Duvall, Engineer III

11/21/2025

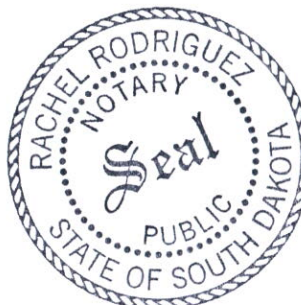
Date

Subscribed and sworn to before me, a notary public, this 21st day of Nov, 2025.



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

(SEAL)





**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

December 18th, 2025

2896-2

Country Store at Three Forks
23820 US-38
Rapid City, SD 5770

To Whom it may Concern:

I am writing to acknowledge receipt of the "Notice of Completion of Works" form that you sent in to let us know that you are completed with your water use system.

The system is now ready for inspection. Inspections are done on a county-by-county basis as staff time permits. You have done everything you need to do and the intervening time between the completion of your project and the staff inspection has no bearing on your water permit.

Someone from our office will contact you prior to the inspection to set up a time that is convenient for you. If you have any questions, please contact me.

Sincerely,

Shannon Konst
Water Rights Program
(605) 773-3352
email: Shannon.konst@state.sd.us

RECEIVED

DEC 16 2025

NOTICE OF COMPLETION OF WORKS AND
APPLICATION OF WATER TO BENEFICIAL USEOFFICE OF
WATERDate 12-10-2025TO: Water Rights Program, DANR
523 E. Capitol
Pierre, SD 57501-3181FROM: Country Store at Three Forks
(name)
23820 US-385
(address)
Rapid City, SD 57702 605-269-8970
(city, state, zip) (phone)

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

Water Permit No. 2896-2 states that the water use system is to be constructed by _____, and water is to be put to beneficial use by _____.

(date) (date)

The water use system was completed on 11/07/2007.

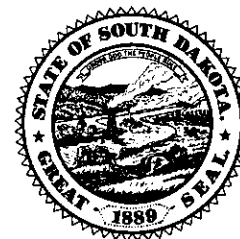
(date)

Applying the water to beneficial use was completed on 1/17/2008.

*Stamped by water rights program (date)

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

[Signature]
(signature)

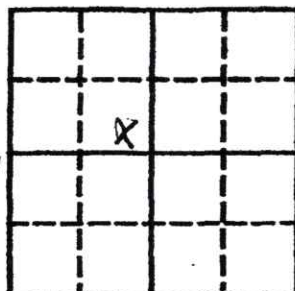


SOUTH DAKOTA WATER WELL COMPLETION REPORT

11-02

Location SE 1/4 NW 1/4 Sec 23 Twp 15 N Rg 5E

County Pennington



Please mark well location with an "X"

Well Completion Date

11/7/07

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

2170 ft. from Septic (Identify source)

PROPOSED USE:

☒ Domestic Stock Inigation ☐ Municipal Industrial ☐ Business Institutional ☐ Test Hole Monitoring well

METHOD OF DRILLING:

Rotary Downhole Hammer

CASING DATA:

If other describe 30' of 6" 160 PVC

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
LB/FT	IN	0	28	8 3/4
LB/FT	IN	28	100	6
LB/FT	IN	FT	FT	IN

GROUTING DATA:

Grout Type Portland No. of Sacks 3 Grout Weight 28 Lbs/ft From 28 Ft To 4 Ft

Describe grouting procedure

thru 1" trim pipe

SCREEN:

None ☐ Perforated pipe ☐ Manufactured

Diameter _____ Inches Length _____ Feet

Material _____

Slot Size _____ Set From _____ Feet to _____ Feet

Other information _____

WAS A PACKER OR SEAL USED?

☐ Yes ☒ No

If so, what material?

Describe packer(s) and location

DISINFECTION: Was well disinfected upon completion?

☒ Yes, How?

☐ No, Why Not?

Lab sample sent to for water quality analysis

with/over so 1.

Well Owner:

Covington Consulting Group

Business Name:

Address:

P.O. Box 1761

City, State, Zip:

Rapid City, SD 57709

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
<u>Ha grey schist</u>	<u>0</u>	<u>38</u>
<u>Schist fract. 10 gpm</u>	<u>38</u>	<u>40</u>
<u>Ha grey schist</u>	<u>40</u>	<u>52</u>
<u>Schist fracture 25 gpm</u>	<u>52</u>	<u>55</u>
<u>Ha grey schist</u>	<u>55</u>	<u>64</u>
<u>Schist frac 50 gpm</u>	<u>64</u>	<u>66</u>
<u>Ha grey schist</u>	<u>66</u>	<u>78</u>
<u>Schist fract. 75 gpm</u>	<u>78</u>	<u>84</u>
<u>Ha grey schist Schist frac 100 gpm</u>	<u>84</u>	<u>87</u>
<u>Ha grey schist</u>	<u>87</u>	<u>100</u>

STATIC WATER LEVEL

251

FEET

If flowing, closed in pressure

PSI

GPM flow 100+

through

inch pipe

Controlled by

☐ Valve

☐ Reducers

☐ Other

Reduced flow rate

GPM

Can well be completely shut in?

WELL TEST DATA:

☒ Pumped

Describe:

Wair

☐ Bailed

☐ Other

Pumping Level Below Land Surface

FL After

Hrs. pumped

GPM

FL After

Hrs. pumped

GPM

If pump installed, pump rate:

GPM

REMARKS

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JAN 17 2008

WATER RIGHTS PROGRAM

This well was drilled under license #

324

And this report is true and accurate.

Drilling firm:

Anderson Drilling, Inc

Signature of License Representative:

Tan Sewell

Signature of Well Owner or Equitable Property Holder:

Date:

RECEIVED

DEC 16 2025

OFFICE OF WATER

1-22-08