



United States Department of the Interior

NATIONAL PARK SERVICE
Water Resources Division
1201 Oakridge Drive, Suite 250
Fort Collins, Colorado 80525-5596



IN REPLY REFER TO:

L54 (2380)
WICA/Water Rights

March 17, 2015

Mr. Seth Jeffs
Water Operator
United Order of South Dakota
Box 5050
Custer, SD 57730

Re: Application for Water Permit No. 2730-2 - Request for Common Law Trust
Documentation for the United Order of South Dakota.

Dear Mr. Jeffs,

The National Park Service (NPS) has received your letter dated February 18, 2015, in which you request that the South Dakota Water Rights Program reduce the instantaneous rate of withdrawal associated with Application 2730-2 from 300 gallons per minute (gpm) to 200 gpm. The NPS is in the process of re-evaluating the potential effects of this change in withdrawal rate on Madison aquifer water levels and underground lakes within Wind Cave National Park in order to make recommendations to park managers.

The NPS has received a copy of the correspondence between you and Ms. Ann Mines-Bailey of the South Dakota Attorney General's Office concerning the State's request for documentation of the authority of various individuals to represent the United Order of South Dakota under its designation as a common law trust. The NPS shares the concerns of the State with regard to the issue of who may legally represent the interests of the United Order of South Dakota as the NPS must have assurances that any potential settlement that it may enter into would be legally enforceable. Therefore, the NPS would appreciate receiving a copy of any documentation that you provide to the State in response to their request. If you have any questions concerning this request, please feel free to contact Peter Fahmy of my staff at (970) 231-4961.

Sincerely,

William R. Hansen
Chief, Water Rights Branch

Cc via email: South Dakota Attorney General's Office – Ms. Ann Mines-Bailey
South Dakota DENR – Ms. Jeanne Goodman
Ganje Law Offices – Mr. David Ganje
Bang McCullen Law Firm – Mr. Michael Hickey