



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:

December 19, 2014

RECEIVED

DEC 22 2014

WATER RIGHTS
PROGRAM

L54(2380)
WICA/Water Rights

Ms. Jeanne Goodman, Chief Engineer
Water Rights Program
Foss Building
523 E. Capitol
Pierre, SD 57501

Mr. Seth Jeffs
United Order of South Dakota
11571 Farmer Rd
Pringle, SD 57773

Re: Petition to Intervene in the matter of Application to Permit Water within the State of South Dakota No. 2730-2 filed by the United Order of South Dakota

Dear Ms. Goodman and Mr. Jeffs,

The National Park Service (NPS) petitions to intervene in the above referenced application to appropriate water filed by the United Order of South Dakota. This application requests to amend the withdrawal under Water Permit 2610-2 by 205 gallons per minute (gpm) to a maximum instantaneous rate of 300 gpm (0.67 cubic feet per second) from the Madison aquifer at a location approximately 13 miles west of Wind Cave National Park (Figure 1). There is no annual volume provided on the application. The water is to be used for a rural water supply system. The NPS believes this withdrawal, if permitted and developed, and in combination with senior permits, may over time adversely affect the water rights and water-dependent resources of the National Park. These impacts, if they occur, would not be in the public interest.

Briefly, the park is responsible for the management of resources dependent on water levels in the Madison aquifer. One of these primary resources is Wind Cave, which is considered one of the most significant caves in the world, as it is one of the longest, most complex, and oldest caves on earth.

Wind Cave's length and passage density are enough to put it into the ranks of world-class caves, but the cave is significant for many other reasons. There are currently several lakes and pools in the lower reaches of Wind Cave that likely define the water table in this region of the Madison aquifer.

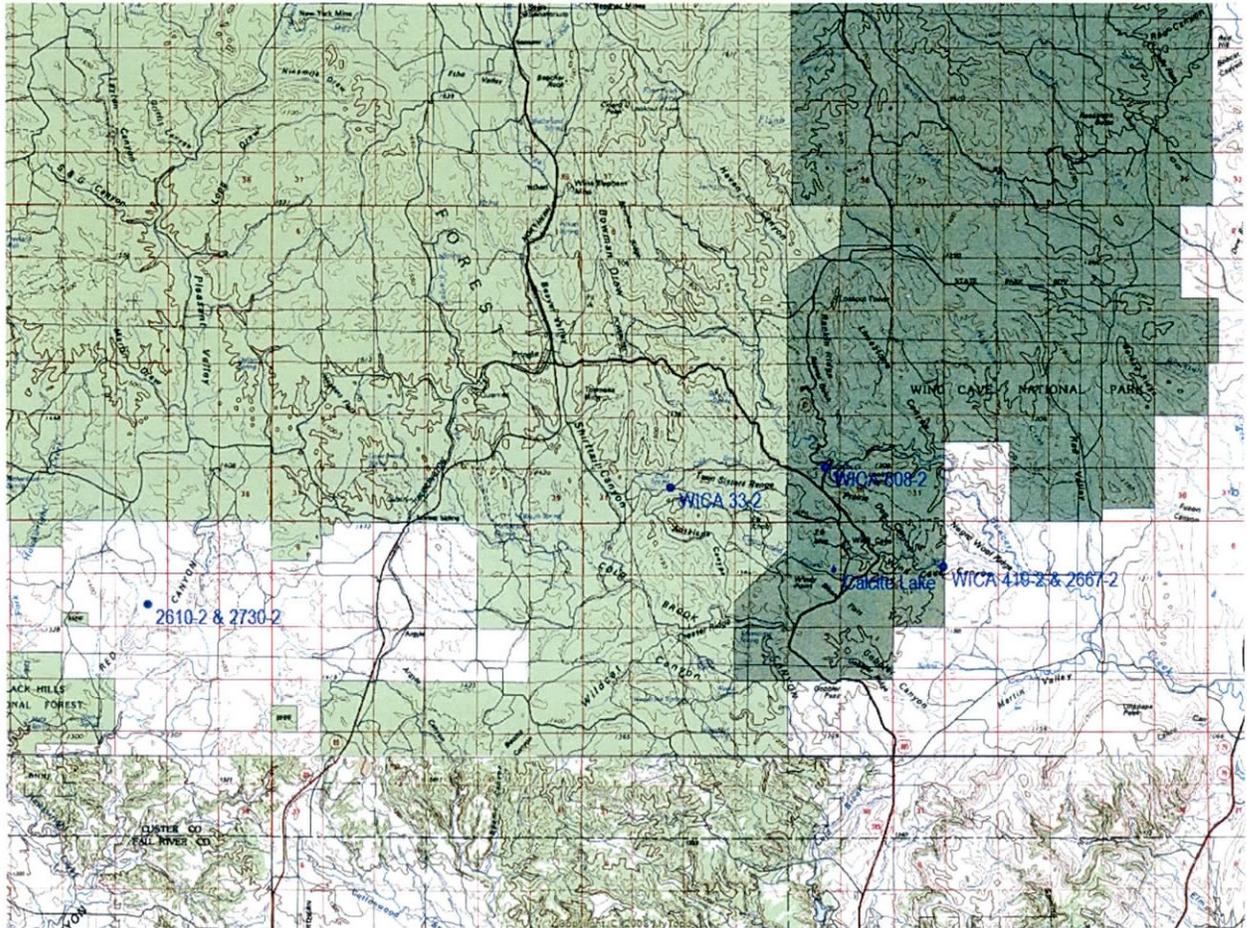


Figure 1. Location of Permit 2610-2, Application 2730-2, Wind Cave NP water rights and Calcite Lake

The largest and one of the most accessible of these are the connected features known as Calcite and Windy City Lakes. Paces and others (2013) describe a history of water table fluctuations in the Madison aquifer within the lower portions of the cave. These fluctuations have resulted in layers of calcite crusts being formed on top of the bedrock and sediment found in the cave.

Biologically, water samples taken from Calcite Lake suggest the lake ecosystem is very unique and unlike any described previously. A preliminary study by Barton (2012) suggests the lakes are a bacterially dominated ecosystem where bacteria species may be the top predators. While a diverse range of species are found, the concentrations of microbial cells found in the cave water may be lower than any other body of water yet found on earth (Barton 2012).

Wind Cave National Park has four state appropriative water rights that are senior to those sought by the applicant (Table 1). Out of the four rights listed, the withdrawal proposed by Application 2730-2 could affect water levels in the well associated with Permit 419-2 since this well is open to the Madison aquifer. This well is completed in the Madison, Englewood, Deadwood, and Precambrian aquifers and supplies water for park operations.

The other three water rights do not derive water from the Madison aquifer and should not be affected by the proposed withdrawal.

Table 1. State appropriative water rights for Wind Cave National Park

Number	Name	Point of Diversion	Rate of Diversion	Purpose	Priority date
US 33-2	Cold Springs Creek	Sec. 32 & 28, T5S, R5E	0.2 cfs	Domestic, recreation, wildlife, fire protection	August 23, 1937
US 508-2	Cold Springs Lake	SW ¼ SE ¼ Sec. 26, T5S, R5E	222.08 afy	Stockwater, recreational	November 4, 1939
419-2	Headquarters well	SE ¼ SE ¼ Sec 6, T6S, R6E	0.44 cfs	Park operations	December 29, 1955
2667-2	Minnelusa Well	SE¼ SE¼ Sec 6, T6S, R6E	0.11 cfs	Park operations	April 11, 2011

The NPS is concerned that water levels in the Madison aquifer within Wind Cave NP will be lowered over time as a result of the pumping proposed under Application 2730-2. The South Dakota Department of Environment and Natural Resources evaluation of Water Permit Application 2730-2, dated November 12, 2014, for the approval of the Chief Engineer (DENR evaluation). The evaluation included two Theis calculations that projected drawdown vs. distance from the pumping well at two different pumping rates over a period of one year. These analyses stopped at distance 2000 feet from the pumping well.

To determine if the cone of depression might extend to the National Park, we extended the DENR evaluation to 13 miles from the pumping well. Table 2 provides the results from this modified DENR evaluation for two continuous pumping scenarios. The following parameters were used:

Transmissivity (T) = 1,463 ft²/day
 Storage coefficient (S) = 0.0002
 Radius (r) = 13 miles
 Time (t) = 1 to 20 years

Table 2. Drawdown (feet) calculated using the Theis Equation Calculator cited in the DENR evaluation, at a point 13 miles from the pumping well.

Pumping rate	1 year	5 years	10 years	20 years
205 gpm	1.0	3.6	5.0	6.4
300 gpm	1.5	5.3	7.3	9.4

These calculations indicate potential significant adverse effects to water levels within the park from the withdrawal proposed by Application 2730-2. There are also other permitted withdrawals in the Madison aquifer in the vicinity of Wind Cave (2302-2, 2546-2, 2633-2, and 2634-2) and Future Use permit 2580-2. Water-level declines from

pumping wells associated with these senior permits were not considered in the DENR evaluation for Application 2730-2. Water-level changes associated with any combination of these withdrawals could impact the National Park's water rights and water-related resources sooner and by a greater degree than by the withdrawal proposed by this application alone.

The DENR evaluation states that "The impacts of pumping the well proposed by this application is expected to be negligible on the Wind Cave Lakes, especially when compared with the natural fluctuations because of the distances involved (>5 miles) and the relatively small diversion rate proposed (0.67 cfs maximum)." As cited in the DENR evaluation, the water-level record from stage readings in Calcite Lake show over 20 feet of fluctuation since the mid-1980s. Any water-level decline due to pumping wells will be superimposed on the natural variation in water levels. This means that water levels will still fluctuate, but at lower overall levels. The frequency and duration of dry periods in parts of the cave would therefore increase. These impacts could significantly affect the cave forming processes now occurring within Wind Cave. Any adverse effects to the park's water rights and water-related resources would not be in the public interest.

The NPS is concerned about the Chief Engineer's recommendation to approve Application No. 2730-2 with no conditions or qualifications other than the term limitation of twenty years. The applicant has not produced information in support of its application that demonstrates the proposed use from this site will not have significant adverse effects on Wind Cave National Park water rights and water-dependent resources over long periods of pumping. This deficiency is acknowledged by the statement in the DENR evaluation that "Evidence is not available to justify issuing this permit without a term limitation of 20 years." Therefore, the NPS believes that any approval of Application 2730-2 should be conditioned on the collection of scientific data to allow such a determination to be made.

The NPS is willing to meet with representatives from the United Order of South Dakota to see if an alternative exists that allows the applicant to withdraw the water required for their beneficial use while still protecting the water rights and water-related resources of Wind Cave National Park.

If you have any questions or concerns related to this matter, please contact Jeff Hughes of my staff at (970) 225-3527.

Sincerely,



for William R, Hansen
Chief, Water Rights Branch

References:

Barton, H. 2012. Accessible Microbial Flora of the Madison aquifer: Investigations in Calcite Lake, Wind Cave, Wind Cave National Park [FINAL REPORT]. Report to the NPS Water Resources Association. University of Akron, OH. 15p.

Paces, J.B., A.N. Palmer and M.V. Palmer. 2013. History of Late Pleistocene Water Table Fluctuations in Wind Cave, Wind Cave National Park. Progress Report, February 2013.



United States Department of the Interior

NATIONAL PARK SERVICE

Water Resources Division
1201 Oak Ridge Drive, Suite 250
Fort Collins, Colorado 80525-5596

IN REPLY REFER TO:

January 15, 2015

2380
WICA/Water Rights

Ms. Jeanne Goodman, Chief Engineer
Water Rights Program
Foss Building
523 E. Capitol
Pierre, SD 57501

Mr. Seth Jeffs
United Order of South Dakota
P.O. Box 5050
Custer, SD 57770

Re: Amendment to Petition to Intervene in the matter of Application to Permit Water within the State of South Dakota No. 2730-2 filed by the United Order of South Dakota

Dear Ms. Goodman and Mr. Jeffs,

On December 19, 2014, the National Park Service (NPS) submitted a petition to intervene in the matter of the above-referenced application to appropriate water filed by the United Order of South Dakota (United Order). Since that time, NPS has conducted further investigations regarding the above-referenced application and reexamined Water Permit No. 2610-2, issued to United Land Management. These investigations have led NPS to conclude that the above-referenced application may contain errors or be incomplete based on the following:

1. Water Permit No. 2610-2 (Attachment A) was issued to United Land Management on August 1, 2007, and authorized the withdrawal of groundwater at a rate of 0.21 cubic feet per second (cfs) for the purpose of a suburban housing development. The NPS had timely filed a letter in opposition to this application, but subsequently withdrew its objection after United Land Management agreed to provide copies of any well logs, pump test data, and water use data to the NPS. According to the minutes of the July

11, 2007 meeting of the Water Management Board, a representative of the applicant, Richard Allred, testified as follows:

In response to a question from Ms. Best, Mr. Allred stated that at the present time there are more than 25 people living at this location because of construction, and there may be more than 25 people living in the development once it is completed.” Mr. Allred also testified “that United Land Management will submit well logs, pump test data, and water use data to the National Park Service as it is obtained. (see pages 9 and 10 of Attachment B)

As of the date of this letter, the NPS has not received any well logs, pump test data, and water use from United Land Management.

The maximum amount of groundwater that the applicant is permitted to withdraw pursuant to Water Permit No. 2610-2 on an annual basis is 152 acre-feet. Based on a U.S. Geological Survey estimate that average domestic use per person in South Dakota in 2005 was 99 gallons per day, this amount is sufficient to support a suburban housing development with a total of 1,370 residents.

United Land Management operates a community public water system, which according to its 2013 drinking water report serves a system population of 75 people and has 11 service connections. The report lists Seth Jeffs as the “certified operator” of the system (see Attachment C). Mr. Jeffs also submitted Application No. 2730-2 on behalf of the United Order of South Dakota.

2. According to a “Notice of Transfer of Ownership” filed by United Land Management with the Chief Engineer on December 31, 2009, United Land Management transferred ownership of Water Permit No. 2610-2 to the United Order of South Dakota, a Common Law Trust, on December 23, 2009 (see Attachment D). As of January 14, 2015, the records of the South Dakota Secretary of State indicate that United Land Management last filed an annual corporate report in 2009 and the status of United Land Management is listed as “Cancellation Pending”, which suggests that the administrative dissolution of United Land Management may be imminent (see Attachment E). No information regarding the “United Order of South Dakota” was found on the website of the South Dakota Secretary of State. It is unclear what the legal status of the United Order of South Dakota is under South Dakota law and what, if any, affect this uncertainty has on Application No. 2730-2.
3. Application No. 2730-2 seeks the issuance of a permit to withdraw an additional 0.46 cfs of groundwater from approximately the same point of diversion as that authorized by Water Permit No. 2610-2 for the following beneficial uses: “rural water system” and “domestic (over 18 gpm)”.

However, the application does not provide any evidence that the United Order of South Dakota either operates a legally-recognized “rural water system” or is authorized to operate such a system. Furthermore, the application fails to provide any information as to the need by the United Order of South Dakota, for an additional amount of groundwater over and above the 0.21 cfs that it currently has rights to use pursuant to Water Permit No. 2610-2. If the permit for the groundwater sought by Application No. 2730-2 is granted, the United Order of South Dakota would possess groundwater withdrawal permits sufficient to supply the domestic needs of 4,372 people (based on the 2005 USGS estimate of per capita domestic water use in South Dakota). For the sake of comparison, according to the 2010 census the population of Custer, which is the largest town in Custer County, was 2,067 residents.

4. The annual water use reported by the United Order of South Dakota and its predecessor in title to the Chief Engineer under Water Permit No. 2610-2 is as follows:

Year	Use (acre-feet/year)
2009	19
2010	26
2011	41
2012	33
2013	10.5
Average	25.9

Based on the foregoing information, the NPS believes that Application No. 2730-2 is wholly speculative and that the applicant may be seeking to appropriate groundwater for other than traditional domestic uses. Therefore, the NPS respectfully requests that the Water Management Board deny the application on the basis that the proposed water use is purely speculative and, therefore, not in the public interest. However, if Application No. 2730-2 is not denied, the NPS requests that the Water Management Board qualify Water Permit No. 2730-2 and limit the annual amount of water that can be withdrawn cumulatively pursuant to both permits to the historic average groundwater withdrawal of 25.9 acre-feet per year. This amount is sufficient to meet the customary domestic needs of 234 persons, which is roughly three times the number of persons currently being served by the existing community public water system.

If you have any questions or concerns related to this matter, please contact Jeff Hughes of my staff at (970) 225-3527.

Sincerely,



William R, Hansen
Chief, Water Rights Branch

Attachments: Attachment A - Water Permit No. 2610-2
Attachment B - WMB Meeting Minutes (July 11, 2007)
Attachment C - United Land Management Drinking Water Information
Attachment D - Notice of Transfer of Ownership
Attachment E – Secretary of State Business Entity Website Information

cc: (via email only)
Wind Cave National Park

**SOUTH DAKOTA
WATER PERMIT NO. 2610-2**

Date of first receipt of application February 9, 2007.

Date of return to applicant for corrections, amendments or changes February 9, 2007.

Date of receipt of corrected application February 20, 2007.

The Water Management Board approved Water Permit No. 2610-2 on July 11, 2007 for United Land Management, c/o Richard Allred, Box 54, Rapid City SD 57709 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. 2610-2 appropriates 0.21 cubic feet of water per second from two wells to be completed into the Madison Aquifer (approximately 1000 feet deep) located in the NW ¼ SE ¼ Section 10-T6S-R3E.
2. The water appropriated shall be used for the purpose of suburban housing development 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 from which applicant may claim right is February 9, 2007.
5. One-fifth of the construction is to be completed on or before January 11, 2010.
6. All construction is to be completed on or before July 11, 2012.
7. Water is to be put to beneficial use on or before July 11, 2016.
8. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. In accordance with SDCL 46-1-14 and 46-2A-20, Permit No. 2610-2 is issued for a 20-year term. Pursuant to SDCL 46-2A-21, the 20-year term may be deleted at any time during the 20-year period or following its expiration. If the 20-year term is not deleted at the end of the term, the permit may either be cancelled or amended with a new term limitation of up to twenty years. Permit No. 2610-2 may also be cancelled for non-construction, forfeiture, abandonment, or three permit violations pursuant to SDCL 46-1-12, 46-5-37, 46-5-37.1 and ARSD 74:02:01:37.
2. The wells approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
3. The wells authorized by Permit No. 2610-2 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
4. United Land Management shall report to the Chief Engineer annually the amount of water withdrawn from the Madison Aquifer.

WATER MANAGEMENT BOARD

By: Garland Erbele
Garland Erbele, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

AUG 01 2007
date



Attachment A

RESOLUTION ON STATEMENT OF REASONS TO DENY PETITION TO DESIGNATE SPEARFISH CREEK AS AN OUTSTANDING STATE RESOURCE WATER: Jeanne Goodman, DENR Surface Water Quality Program, participated via telephone conference call.

On May 9, 2007, the board held a public hearing and denied amendments to 74:51:01:39.01 – to designate Spearfish Creek in Lawrence County as an outstanding state resource water. On May 25, 2007, Nancy Hilding, personally and on behalf of the Prairie Hills Audubon Society, submitted a written request by electronic mail pursuant to SDCL 1-26-7.1 requesting a statement of reasons as to why the board denied the proposed rule change in response to the petition to designate Spearfish Creek as an Outstanding State Resource Water.

Ms. Goodman noted that the resolution, Statement of Reasons, Ms. Hilde's request for a Statement of Reasons, and the minutes from the May 9, 2007, public hearing were sent to the Water Management Board prior to today's meeting.

Ms. Goodman provided a summary of the resolution and Statement of Reasons and requested board approval of the resolution adopting the Statement of Reasons.

Motion by Hoyt, seconded by Brink, to adopt the Resolution adopting the Statement of Reasons prepared pursuant to SDCL 1-26-7.1. Motion carried.

The Statement of Reasons will be sent to the Legislative Research Council, and the Interim Rules Review Committee, and the petitioner.

REQUEST PERMISSION TO ADVERTISE RULES ON SURFACE WATER QUALITY STANDARDS: Ms. Goodman requested permission to advertise for a public hearing in October 2007 to consider amendments to the Surface Water Quality Standards.

Motion by Brink, seconded by Hoyt, to authorize staff to advertise for a public hearing to consider amendments to the Surface Water Quality Standards. Motion carried.

WATER PERMIT APPLICATION NO. 2610-2, UNITED LAND MANAGEMENT: Ken Buhler presented his report on the application.

Water Permit Application No. 2610-2 proposes to appropriate 0.21 cfs (95 gpm), from two wells to be completed into the Madison aquifer, approximately 1000 feet deep in Custer County for a suburban housing development.

The Chief Engineer recommended approval for a 20 year term with the Well Interference Qualification, Well Construction Rule Qualification No. 2, and the following qualifications:

1. In accordance with SDCL 46-1-14 and 46-2A-20, Permit No. 2610-2 is issued for a 20-year term. Pursuant to SDCL 46-2A-21, the 20-year term may be deleted at any time during the 20-year period or following its expiration. If the 20-year term is not deleted at the end of the term, the permit may either be cancelled or amended with a new term limitation of up to twenty years. Permit No. 2610-2 may also be cancelled for non-construction, forfeiture,

abandonment, or three permit violations pursuant to SDCL 46-1-12, 46-5-37, 46-5-37.1 and ARSD 74:02:01:37.

2. United Land Management shall report to the Chief Engineer annually the amount of water withdrawn from the Madison Aquifer.

Mr. Buhler reported that the Madison Limestone, locally known as the Pahasapa Limestone, is a fine to medium crystalline, cavernous limestone and dolomite. The aquifer is laterally extensive and underlies much of the western United States. The upper portion of the Madison Limestone is karstic, therefore it contains randomly distributed zones of secondary porosity and permeability formed by weathering of exposed surfaces, groundwater solution and fracturing, and is considered the Madison aquifer. This well site is located about five miles from the outcrop of the aquifer, and the top of the Madison is expected to be approximately 760 feet below grade. The Madison is expected to be approximately 300 feet thick in this area.

The availability of unappropriated water in the Madison aquifer can be evaluated by considering SDCL 46-6-3.1, which requires that "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."

Recharge to the Madison aquifer occurs through streamflow losses and direct infiltration of precipitation at the outcrop area. Recharge for the entire Madison aquifer in South Dakota has been estimated to range from 140,000 to 400,000 acre-feet per year. Average annual recharge from 1931-1998 was estimated to be approximately 137,000 ac-ft/yr.

Mr. Buhler stated that water is available from the aquifer, however, a water budget is not intended to suggest that all of the water that is in storage in the Madison or that all of the recharge is available for this appropriation, merely to demonstrate that in general the Madison aquifer is an immense resource that is relatively untapped.

The Water Rights Program monitors 26 observation wells completed into the Madison aquifer in the Black Hills area. Three of those observation wells are within eight to 15 miles away from this site. Hydrographs of these observation wells are included in Mr. Buhler's report.

Observation well data suggest that at the existing level of development, natural influences dominate the water levels of the aquifer and the effects of pumping as yet are not obvious.

The Water Rights Program has record of a number of domestic wells in this area. The majority of these domestic wells appear to be completed into the Minnelusa aquifer and at least two are completed into the Deadwood aquifer. Wells completed into aquifers that are either stratigraphically above or below the Madison aquifer are not expected to be affected by this proposed appropriation since the lower Minnelusa aquifer can be considered a confining bed that isolates the Madison hydraulically from shallower aquifers, and the bottom portion of the Madison isolates the Madison from lower aquifers. There are no completion reports on file for

wells completed into the Madison aquifer within approximately five miles of the well sites proposed by this application.

There are no wells supplying Water Rights/Permits within approximately nine miles of the well site proposed by this application. The nearest Water Right supplied by a well completed into the Madison aquifer, Water Right No. 419-2, Wind Cave National Park, is located approximately 10 miles east-northeast of the well sites proposed by this application.

Well interference resulting from this appropriation is not expected to be an issue to either domestic wells or wells supplying appropriative rights due to the distance between wells and the relatively low diversion rate proposed by this application.

Mr. Buhler noted that the well site proposed by this application is located approximately five miles west of the "Argyle" well site proposed by Future Use Permit No. 2580-2. Approval of this application should not hinder development of the future use permit due to the distance between wells.

SDCL 46-2A-20 requires that "... no water permit for construction of works to withdraw water from the Madison formation in Butte, Fall River, Custer, Lawrence, Meade and Pennington counties may be issued for a term of more than twenty years, unless the water management board determines, based upon the evidence presented at the hearing that:

- (1) Sufficient information is available to determine whether any significant adverse hydrologic effects on the supply of water in the Madison formation would result if the proposed withdrawal were approved; and
- (2) The information, whether provided by the applicant or by other means, show that there is a reasonable probability that issuance of the proposed permit would not have a significant adverse effect on nearby Madison formation wells and springs."

Evidence is not available to justify issuing this permit without a term limitation of 20 years.

Mr. Buhler concluded that the Madison aquifer is a viable aquifer in this area, this diversion will not adversely impair existing water rights, and information is not available to approve this application without a 20-year term limit.

Mr. Buhler noted that on June 11, 2007, the National Park Service (Wind Cave National Park) submitted a letter in opposition to the application. On June 29, 2007, the National Park Service withdrew their opposition. If the permit is granted, the National Park Service requests copies of any well logs, pump test data, and water use data from the applicant.

Richard Allred was administered the oath by Chairman Hutmacher.

In response to a question from Mr. Hoyt, Mr. Allred testified that United Land Management will submit well logs, pump test data, and water use data to the National Park Service as it is obtained.

Chairman Hutmacher asked if this will be a public water supply. Mr. Allred answered that he is not sure if this will be a public water system.

Ms. Best asked how many people currently live at this location. Mr. Allred stated that this is ongoing construction and people are always coming and going.

In response to a question from Ms. Best, Mr. Allred stated that at the present time there are more than 25 people living at this location because of construction, and there may be more than 25 people living in the development once it is completed.

Motion by Brink, seconded by Holzbauer, to approve Water Permit Application No. 2610-2, United Land Management, subject to the qualifications set forth by the chief engineer. Motion carried.

WATER PERMIT APPLICATION NO. 2560A-2 AND 2615-2, FALL RIVER WATER USERS DISTRICT: Ms. Best reported that Application No. 2560A-2 proposes to expand the future use area that was authorized by Future Use Permit No. 2560-2. Water Permit Application No. 2615-2 proposes to complete a well into the Madison aquifer and place 400 acre-feet of water to beneficial use annually at a maximum diversion rate of 0.67 cfs.

The National Park Service filed a petition to intervene in the matter of Water Permit Application No. 2615-2. The National Park Service was concerned about potential adverse impacts that may result from withdrawals proposed by the application on the water rights and water-related resources of Wind Cave National Park.

Ms. Best stated that the parties negotiated a settlement agreement, which provides that Fall River Water Users District undergo a pump test and that water quality testing occur at this location. Fall River Water Users District has provided DENR with written notice that they will comply with these conditions.

The chief engineer recommended approval of Application No. 2560A-2 with the following qualifications:

1. Permit Nos. 2560-2 and 2560A-2, combined, reserve 750 acre feet of water annually from the Madison Aquifer.
2. That Future Use Permit Nos. 2560-2 and 2560A-2 are approved with the stipulation that this Permit is subject to review by the Water Management Board in developing reserved water upon expiration of seven (7) years. This Permit shall be subject to cancellation if the Water Management Board determines during the review that the holder cannot demonstrate a reasonable need for the Permit.
3. At such time as definite plans are made to construct works and put the water reserved by this permit to beneficial use, specific application for all or any part of the reserved water must be submitted and approved prior to construction of facilities pursuant to SDCL 46-5-

United Land Management Drinking Water Information
(System Information, Sampling Requirements, and Compliance Report)



2013 Certificate of Achievement Award.

Population Served:	75	System Population:	75
Certified Operator:	Mr Seth Jeffs PO Box 5050 Custer, SD 57730-5050	Work Phone:	
		Home Phone:	
		Cell Phone:	
		Fax:	(605)673-5274
		Email:	ssjmail2@gmail.com
Financial Contact:	Mr Seth Jeffs PO Box 5050 Custer, SD 57730	Work Phone:	(605)673-5274
		Home Phone:	
		Cell Phone:	
		Fax:	
		Email:	
Other Contacts:	Mr Preston Barlow PO Box 5050 Custer, SD 57730	Work Phone:	
		Home Phone:	
		Cell Phone:	
		Fax:	
		Email:	preston@reliance.bz
Last Inspection:	June 11, 2014		
Type of System:	Community	Area Served:	Custer County
Number of Service Connections:	11	Contamination Risk:	low
Water Produced And Used By The United Land Management Public Water System			
PWS Owner Type:	Private Ownership	Service Area:	Residential Area
Contract Laboratory:			Energy Laboratory

Attachment C

RECEIVED

DEC 31 2009

WATER RIGHTS PROGRAM

SD EForm - 0495 V2 NOTICE OF TRANSFER OF OWNERSHIP

To: Chief Engineer
Water Rights Program, DENR
523 E. Capitol
Pierre, SD 57501-3181

Water Right/Permit No. 2610-2

Date: 12/29/09

I/We request that Water Right/Permit No. 2610-2 formerly owned by:

United Land Management

be transferred to:

New Owner Name: United Order of South Dakota

Address: 11570 Farmer road PO Box 5050

City, State, Zip Custer SD 57730 Telephone No. 605-673-5274

Title to the following described land(s)/property has been transferred as described above:

Water permit No. 2610-2

I understand that the validity of Water Right/Permit No. 2610-2 has not been determined by this transfer action. If I have any questions on validity, I understand that only the Water Management Board has the authority to determine if a water right/permit is valid (see note below.)

You are requested to file this "Notice of Transfer" in the appropriate file with the Water Rights Program, as evidence of the change of ownership.

A fee of Fifty Dollars (\$50.00) is included to cover the filing fee as required by SDCL 46-2-13.

I, United Order of South Dakota, the new owner, certify that the above information is true and correct. By Stephen P. Harter Trustee

United Order of South Dakota
By Stephen P. Harter Trustee
(Signed by new owner)

NOTE: Water permits may be cancelled for nonconstruction after the five year construction period has expired. Once a water permit is developed and the water used, the permit becomes a right. A water right may be lost for three reasons:

1. Abandonment - no intent to use water and use is abandoned.
2. Forfeiture - no use of water for three year period without legal excuse.
3. For a third violation of a condition of a water permit/right.

2009/07

(Copy of land deed transfer enclosed also)
Attachment D

After Recording Return To:
Stephen P. Harker, Trustee
11571 Farmer Road
Pringle, SD 57773

STATE OF SOUTH DAKOTA,
COUNTY OF CUSTER-SS 51279
Filed this 24 Day of Dec, 2009 at 10:16 O'clock PM
BOOK 49 OF DEED PAGE 330
IS/ Pamela J Johnson
REGISTER OF DEEDS FEE \$ 22.00 PD DEPUTY
N/S

[Space Above This Line For Recording Data]

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS THAT: FOR VALUABLE CONSIDERATION OF TEN DOLLARS (\$10.00), and other good and valuable consideration, cash in hand paid, the receipt and sufficiency of which is hereby acknowledged and confessed, and for which no lien, express or implied, does or shall exist United Land Management, LLC, a Limited Liability Company organized and existing under the laws of the State of South Dakota, Grantor, has GRANTED, SOLD, CONVEYED AND WARRANTED, and by these presents does hereby GRANT, SELL, CONVEY AND WARRANT unto Stephen P. Harker, Trustee of the United Order of South Dakota, a Common Law Trust dated of even date hereof, Grantee, all that certain tract of land lying and being situated in the County of Custer, State of South Dakota, and more particularly described as follows, to-wit:

See the Attached Exhibit "A" for Complete Legal Description.

TOGETHER WITH all improvements, easements, and appurtenances thereunto belonging. SUBJECT TO all easements, restrictions, reservations, rights of way, and items currently appearing of record, if any.

TRANSFER FEE PAID \$ _____
EXEMPT FROM TRANSFER FEE

EXEMPT from Transfer Fee 43-4-22(18)

WITNESS the hand of said grantor, this 23rd day of December, 2009.

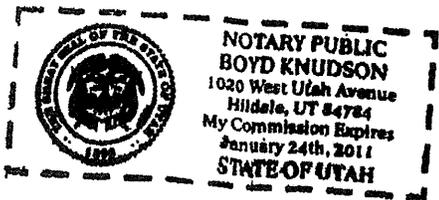
Witnesses:

United Land Management, LLC

Jerold Williams (Seal)
Jerold Williams, Manager and Member

STATE OF Utah
COUNTY OF Washington

This instrument was acknowledged before me on December 23rd, 2009 by Jerold Williams, Manager and Member of United Land Management, LLC, a South Dakota Limited Liability Company on behalf of said Limited Liability Company



Boyd Knudson
Notary Public
Commission Expires: 1/24/11

EXHIBIT "A"

Parcel # 6359: The South Half of the North Half of the Southwest Quarter of the Northeast Quarter ($S\frac{1}{2} N\frac{1}{2} SW\frac{1}{4} NE\frac{1}{4}$) of Section 10, Township 6 South, Range 3 East, Black Hills Meridian, containing 10 acres, more or less.

Parcel # 6360: The South Half of the Southwest Quarter of the Northeast Quarter ($S\frac{1}{2} SW\frac{1}{4} NE\frac{1}{4}$) of Section 10, Township 6 South, Range 3 East, Black Hills Meridian, containing 20 acres, more or less.

Parcel # 6361: The South Half of the North Half of the Southeast Quarter of the Northeast Quarter ($S\frac{1}{2} N\frac{1}{2} SE\frac{1}{4} NE\frac{1}{4}$) of Section 10, Township 6 South, Range 3 East, Black Hills Meridian, containing 10 acres, more or less.

Parcel # 6362: The South Half of the Southeast Quarter of the Northeast Quarter ($S\frac{1}{2} SE\frac{1}{4} NE\frac{1}{4}$) of Section 10, Township 6 South, Range 3 East, Black Hills Meridian, containing 20 acres, more or less.

Parcel # 6364: The West Half of the East Half of the Northwest Quarter of the Southeast Quarter ($W\frac{1}{2} E\frac{1}{2} NW\frac{1}{4} SE\frac{1}{4}$) of Section 10, Township 6 South, Range 3 East, Black Hills Meridian, containing 10 acres, more or less.

Parcel # 6365: The West Half of the Northwest Quarter of the Southeast Quarter ($W\frac{1}{2} NW\frac{1}{4} SE\frac{1}{4}$) of Section 10, Township 6 South, Range 3 East, Black Hills Meridian, containing 20 acres, more or less.

Parcel # 6366: The East Half of the Northeast Quarter of the Northwest Quarter of the Southeast Quarter ($E\frac{1}{2} NE\frac{1}{4} NW\frac{1}{4} SE\frac{1}{4}$) of Section 10, Township 6 South, Range 3 East, Black Hills Meridian, containing 5 acres, more or less.

Parcel # 6367: The West Half of the Northwest Quarter of the Northeast Quarter of the Southeast Quarter ($W\frac{1}{2} NW\frac{1}{4} NE\frac{1}{4} SE\frac{1}{4}$) of Section 10, Township 6 South, Range 3 East, Black Hills Meridian, containing 5 acres, more or less.

Parcel # 6368: The East Half of the Northeast Quarter of the Southeast Quarter ($E\frac{1}{2} NE\frac{1}{4} SE\frac{1}{4}$) of Section 10, Township 6 South, Range 3 East, Black Hills Meridian. The East Half of the Northwest Quarter of the Northeast Quarter of the Southeast Quarter ($E\frac{1}{2} NW\frac{1}{4} NE\frac{1}{4} SE\frac{1}{4}$) of Section 10, Township 6 South, Range 3 East, Black Hills Meridian. The Southwest Quarter of the Northeast Quarter of the Southeast Quarter ($SW\frac{1}{4} NE\frac{1}{4} SE\frac{1}{4}$) of Section 10, Township 6 South, Range 3 East, Black Hills Meridian. The East Half of the Southeast Quarter of the Northwest Quarter of the Southeast Quarter ($E\frac{1}{2} SE\frac{1}{4} NW\frac{1}{4} SE\frac{1}{4}$) of Section 10, Township 6 South, Range 3 East, Black Hills Meridian. This parcel contains 40 acres, more or less.

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

CMI

Date 12-31, 2009

RECEIVED CMI, 1430 Haines Ave, Suite 108, 360, Rapid City SD 57701

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use		
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. _____		
Fee for Filing Transfer Form <u>Water Permit No. 2610-2</u>	50	00
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	50.00

No. 04005

By [Signature]
Chief Engineer

Entity Detail	File Annual Report	Statement of Change	Forms
Name		UNITED LAND MANAGEMENT, LLC	
Corporate ID		DL007311	
Incorporation/Qualification Date		5/7/2004	
Home State		SOUTH DAKOTA	
Status		Cancellation Pending	
Last Annual Report		2009	
Corporation Type		Domestic LLC	
Stock Info		CONT. \$1,000	
Registered Agent	Documents	Officers	

Registered Agent Name & Address

JEROLD WILLIAMS
11571 FARMERS RD
CUSTER, SD 57730-8147

Attachment E

RECEIVED

JAN 07 2015

WATER RIGHTS
PROGRAM

January 5, 2015

Water Rights Program
Foss Bldg.
523 E Capitol
Pierre, SD 57501

RE: Permit # 2730-2 United Order of South Dakota
The name under which The Fundamentalist Church of Jesus Christ of Latterday
Saints is known

To Whom It May Concern:

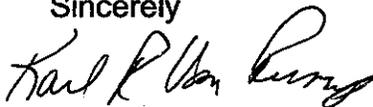
I am writing this because I am the closest neighbor to the above referenced compound. I am very concerned with them applying for a 300 gal. per minute well. They already have two wells, a 6 inch and a 10 inch that goes down to the Madison Aquifer, which draws water at 94 gallons per minute.

They won't tell anyone how many people live at this compound. They do not have any animals there at this time. They got rid of all their animals 2 years ago. Why do they need so much water? How many people are they bringing in to use that much water? What about their septic system, I'm sure that it is not large enough to handle 300 people or more. Are they planning to install a water purification system? I am very concerned about all of this.

Jewel Cave and Wind Cave are in the immediate area, they draw water from the Madison. How many of the towns in this area draw off the Madison. I know the Madison is a large aquifer, but how many other communities take water from it, when is it going to run dry?

We bought 40 acres 25 miles from town to live in the "country", not to have a city move in right next door. I don't want to have to look at an ugly water tower every day, that's why I bought so far out in the country.

Sincerely



Karl R Von Rump
11560 Farmer Rd
Custer, SD 57730



Suzanne K Von Rump

RECEIVED

JAN 12 2015

WATER RIGHTS
PROGRAM

Please read thoughtfully the
enclosed Jan 2, 2015, R.C. formal report
report

January 6, 2015
Chief Engineer
State Dept. of Environment
~~Water~~ Natural Resources
Frost Bldg, 523 Capitol
Pierre, S.D. 57501

Dear Sir + Dept:

Re: Madison Aquifer
(L & P Permit)

I am picketed + appalled that you
as a body to guard our God-given Natural
resources would "recommend approval of
this request" from this devious group just on
the reason: I - "just need more water,"

I haven't slept well since this release - to
go from 94 gal. to 300 gal. per minute - PLUS
increasing their underground 300° gal. tank
to 250,000 - 220,000 gal. increase with NO
substantial reason - "just need more
water"!!!! is insane. Think about it + seriously

The Madison Aquifer - as well as all resources
w/ finite - God-given - not infinite - belongs to
ALL people in the Growing Black Hills/W. S. Dak
Area and beyond. Just your question WHY
"the tactician Jeffs declined to elaborate"? Who is
"The United Order of South Dakota". Why do they have
lockdown gates, a "Watch tower" at the entrance, etc?
Do the research on our Aquifers; don't be stupid + dupped

Toni Martin

444 Villa Ridge Ct. #122, Rapid City, 57701

Jan. 4, 2015

RECEIVED

JAN 12 2015

WATER RIGHTS
PROGRAM

Chief Engineer of Water Rights Program
State of South Dakota

Re: Case # 2730-2

Please consider this as my petition to intervene.

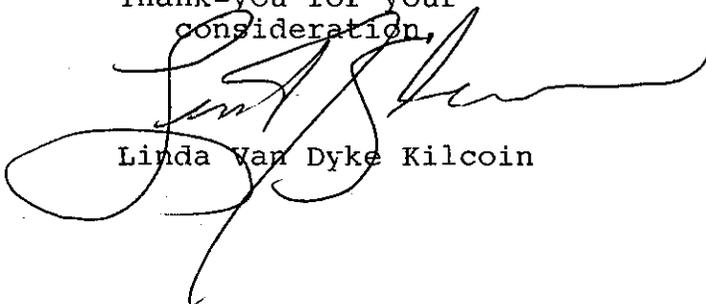
As an adjacent landowner, I am extremely opposed to tripling the water capacity to the FLDS compound. I feel that Custer Co. P and Z is already doing a very poor job with their ignorance of how many people are in there, 100-300?

The rest of us have to deal with density issues but they Don't because of their secretive nature. It's quite obvious that they are planning to move in a whole lot more people. Likely those from their Utah compound that they are shutting down.

A rancher couldn't get water volume like they are requesting. There are so many people around this area who can't drill deep enough to get water. What will this new drain do to the water table of the Madison aquifer? And should that many people be living on so few acres? If Custer County P and Z is going to put it's head in the sand, I guess it will take Pierre to do something before this turns into Waco, Texas.

My Father once owned the FLDS property. He sold it to an individual and then it went on to the FLDS. I sure wish he hadn't sold. As locals, we know what is going on in there and we don't want to see it expand. We value our 12 year old girls in South Dakota. Help us!

Thank-you for your
consideration,


Linda Van Dyke Kilcoin

LK/s

Jan 9, 2015

RECEIVED

JAN 12 2015

WATER RIGHTS
PROGRAM

To: Chief of Engineers
Water Rights Program

Please consider this letter as my petition to intervene, ... as the enormous water supply holding tank that is being requested by the F.L.D.S. in Custer County (# 2730-2) is suspect of abnormal activity which is detrimental to our rural community.

We hope the Chief of Engineers will look into this matter and report a public notice of the findings

We are concerned citizens of Custer County.

Respectfully,

Mr. & Mrs. David Albrecht

High Lonesome Ranch
26541 Stagecoach Spgs Rd
Custer, SD 57730-9109

January 6, 2015

Water Rights Program
Foss Bldg.
523 E Capitol
Pierre, SD 57501

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JAN 15 2015

WATER RIGHTS
PROGRAM

RE: Permit # 2730-2 United Order of South Dakota
The name under which The Fundamentalist Church of Jesus Christ of Latterday
Saints is known

To Whom It May Concern:

I am writing this because I am a neighbor to the above referenced compound. I am very concerned with them applying for a 300 gal. per minute well. They already have two wells, a 6 inch and a 10 inch that goes down to the Madison Aquifer, which draws water at 94 gallons per minute. I run an Elk Ranch with 29 Elk and sometimes I run Buffalo also. I am concerned that they will run the aquifer dry and I won't have any water for my Elk and Buffalo.

They won't tell anyone how many people live at this compound. There are no animals there at this time that I know of. They got rid of all their animals about 2 years ago. Why do they need so much water? How many people are they bringing in to use that much water? I am concerned about their septic system, also. Is it large enough to handle 300 people or more. Are they planning to install a water purification system?

Jewel Cave and Wind Cave are in the immediate area, they draw water from the Madison. How many of the towns in this area draw off the Madison. I know the Madison is a large aquifer, but how many other communities take water from it, when is it going to run dry?

Sincerely *Douglas L. Leshner*
for Robert Bathurst

Doug Leshner, Acting Manager
Stone Meadow Ranch
26699 Remington Rd
Custer, SD 57730



File Code: 2540
Date: January 16, 2015

MS. JEANNE GOODMAN
CHIEF ENGINEER
WATER RIGHTS PROGRAM
JOE FOSS BUILDING
523 E. CAPITOL AVE.
PIERRE, SD 57501

Dear Ms. Goodman:

Re: Petition to Intervene in the Matter of the Application for Permit to Appropriate Water within the State of South Dakota No. 2730-2 Filed By the United Order of South Dakota.

The United States Department of Agriculture, Black Hills National Forest ("Forest"), petitions to intervene in the above referenced application to appropriate water filed by the United Order of South Dakota. This application seeks to amend the withdrawal under Water Permit 2610-2 by 205 gallons per minute (gpm) to a maximum instantaneous rate of 300 gpm (0.67 cubic feet per second) from the Madison aquifer by means of an additional well to be located in the NW ¼ of the SE ¼ of Section 10, Township 6 South, Range 3 East. The water is to be used for domestic purposes in a rural water supply system. The Forest believes this withdrawal, if permitted and developed, and in combination with senior and future use water permits in the same area, may over time adversely affect the rare warm water spring ecosystem at Cascade Springs and along Cascade Creek. These impacts, should they occur – specifically, a reduction in the natural volume of flow – would not be in the public interest. The Forest Service also believes the applicant should clearly demonstrate that it can fully place the total requested diversion of water to the beneficial use described in the application.

Cascade Springs is a group of artesian springs located on the Forest in the NE ¼ of the SE ¼ of the SW ¼, of Section 20, Township 8 South, Range 5 East. These springs are classified as Type 2 springs by Rahn and Gries (1973), meaning "The springs do not dry up and serve as points of permanent discharge from the carbonate aquifer". The springs discharge water with a temperature of 67° F producing a rare and limited ecosystem.

There are four rare plant species documented to occur at Cascade Springs and along Cascade Creek that do not occur anywhere else in South Dakota. These plant species include tulip gentian (*Eustoma exaltatum* ssp. *russellianum*), beaked spikerush (*Eleocharis rostellata*), southern maidenhair fern (*Adiantum capillus-veneris*), and stream orchid (*Epipactis gigantea*). Tulip gentian grows natively in warm regions of the southern United States. Southern maidenhair fern is native to the southern half of the United States. Beaked spikerush is most often found in wet, alkaline soils,



associated with warm springs or calcareous fens. Stream orchid is generally abundant along the west coast of the United States. These populations of species at Cascade Springs exist as a unique community in the Black Hills and in South Dakota and, with the exception of beaked spikerush, the plants are outside of their normal range. They apparently occur here due to the microclimate created by the continuous discharge of warm spring water from Cascade Springs. The Forest Service is concerned that reduced water flows at Cascade Springs could adversely affect the survival and viability of these rare plant species. A conservation assessment for the southern maidenhair fern and the stream orchid states that the constant flow of warm water from Cascade Springs is essential to the persistence of the two species in the Black Hills (Hornbeck et al. 2003). Another assessment prepared for beaked spikerush identified that the long-term persistence of that species in the Black Hills is dependent upon the continued maintenance and enhancement of the population along Cascade Creek (Glisson 2003).

Cascade Springs originates in an area of alluvial sediment near the contact between the Spearfish Formation and the underlying Minnekhata Limestone on the west edge of center of the Cascade Anticline. Cascade Springs flows at an average aggregate year-round rate of about 20 cfs originating from six known discrete discharges and is the source of Cascade Creek, a tributary of the Cheyenne River. Available information about the nature and source of Cascade Springs, including the water chemistry and temperature, suggest that the water originates from the Madison (Pahasapa) and Minnelusa Formations, both of which are productive aquifers in the area.

The Madison aquifer consists of carbonate rock of generally low primary permeability containing substantial secondary permeability due to fracturing and development of solution cavities (karst features). The Madison aquifer is dominated by conduit flow through fractures and karst features. Regional information indicates that water in the Madison aquifer flows generally in a north to south or northwest to southeast direction, suggesting that the area of the United Order well may be upgradient of Cascade Springs. There are no known structural features between the area of the well and Cascade Springs that would be expected to isolate the effects of well pumping from the springs. The potential for fracture and karst connectivity from the area of the well southeast to Cascade Springs is unknown, but cannot be dismissed given the nature of the Madison aquifer in the Black Hills.

Assuming conduit connectivity between the well site and Cascade Springs and using available end member aquifer hydraulic values can provide a rough idea of whether there is potential for concern from the proposed increase in well pumping. This rough calculation should not be considered a prediction of the potential effects at the springs; rather it should be considered to be a scoping calculation illustrating the potential for effects at the springs.

Using a web calculator available for the Cooper-Jacob approach to the Theis solution for a pumping well (a similar approach to the one used by DENR), the drawdown effect at Cascade Springs could increase by as much as one foot after 100 days of increased pumping. The consequent change in flow at Cascade Springs is more difficult to estimate, but it is reasonable to conclude that increased drawdown in the aquifer would translate to reduced flow from the springs and reduced flow in the creek downstream.



Reduced flows from the springs and the subsequent negative effects on the four rare plant species documented to occur at Cascade Springs and along Cascade Creek would not be in the public interest.

Should the permit be granted, the Forest requests that the proposed terms and conditions of the permit be adjusted to protect the public interest in the resources at Cascade Springs and along Cascade Creek. Potential adjustments in the terms and conditions could include an initial term of two to five years and detailed monitoring at Cascade Springs to track flow during periods of pumping from the well.

The Forest Service also believes that United Order should clearly demonstrate that it can fully place the total requested diversion of water to the beneficial use stated in the application and that the potential for effects on senior downstream water users in the Cheyenne watershed should be fully evaluated.

Please direct any questions or concerns related to this matter to Deanna Reyher of my staff at (605) 673-9348.

Sincerely,

/s/ Craig Bobzien

CRAIG BOBZIEN
Forest Supervisor

cc: Andrea Rogers (aerogers@fs.fed.us), Sherri Schwenke (sschwenke@fs.fed.us), Lois Witte (LOIS.WITTE@OGC.USDA.GOV)

REFERENCES:

DeWitt, Ed, J.A. Redden, David Buscher, and A.B. Wilson. 1989. Geologic map of the Black Hills area, South Dakota and Wyoming, USGS Miscellaneous Investigations Series Map I-1910, 1 plate.

Glisson, Bruce T. 2003. Conservation Assessment of the Beaked Spikerush in the Black Hills National Forest, South Dakota and Wyoming. 40 pages.

Hayes, Timothy S. 1999. Episodic Sediment-Discharge Events in Cascade Springs, Southern Black Hills, South Dakota, USGS Water-Resources Investigations Report 99-4168, Rapid City, SD. 34 pages.

Hornbeck, J. Hope, Reyher, Deanna J., Sieg, Carolyn Hull, and Crook, Reed W. 2003. Conservation Assessment for Southern Maidenhair Fern and Stream Orchid in the Black Hills National Forest South Dakota and Wyoming. 45 pages.



Hortness, Jon E. and Daniel G. Driscoll. 1998. Streamflow Losses in the Black Hills of Western South Dakota, USGS Water-Resources Investigations Report 98-4116, Rapid City, SD. 99 pages.

McKaskey, Jonathan D.R.G. 2013. Hydrogeologic Framework for the Madison and Minnelusa Aquifers in the Black Hills Area, South Dakota School of Mines and Technology, Rapid City, SD. 112 pages.

Naus, Cheryl A., Driscoll, Daniel G., and Janet M. Carter. 2001. Geochemistry of the Madison and Minnelusa Aquifers in the Black Hills Area, South Dakota, USGS Water-Resources Investigations Report 01-4129, Rapid City, SD. 118 pages.

Rahn, P.H. and Gries, J.P. 1973. Large Springs in the Black Hills, South Dakota and Wyoming: SD Geological Survey Report of Investigations No. 107. 46 pages.

Whalen, P.J. 1994. Source Aquifers for Cascade Springs, Hot Springs, and Beaver Creek Springs in the Southern Black Hills of South Dakota: South Dakota School of Mines and Technology Master of Science Thesis, Rapid City, SD. 299 pages.



RECEIVED

JAN 20 2015

WATER RIGHTS
PROGRAM

To whom it may concern:

I live in eastern Custer County and I oppose the application for a water permit #2730-2 by United Order of South Dakota (UOSD) for suburban housing. UOSD currently has 2 wells on their property (roughly 140 acres) permitted to produce 94 gpm. I do not know how many gallons of water a regular/average household uses per month, but I will use 5000 gallons per month as an example below.

$94 \text{ gpm} \times 60 \text{ minute per hour} \times 24 \text{ hours per day} \times 30 \text{ days per month} = 4,060,800$
gallons / 5000 gallons = 812.16 households.

Increasing the gpm from 94 to 300 would be capacity for an additional 1779.84 households. I realize these figures are maximum usage levels and that UOSD will probably never continually use this much water, but by permitting that amount means they CAN. I do not believe the Madison Aquifer should be pumped at this amount for this property.

Other concerns of interest:

Where will the wastewater go from this much usage?

Will UOSD be selling water to other water systems, if so, at what cost?

What is the total number of people/households will this water be used for?

Would the water from this well or the two existing wells be used for growing crops?

Will the water from this well be metered?

Thank you,



Rick Fox
PO Box 35
Hermosa, SD 57744

RECEIVED

JAN 20 2015

WATER RIGHTS
PROGRAM

January 13, 2015

To Whom It May Concern:

We are writing in opposition of the recent application #2730-2 submitted by Seth Jeff's. We live in the Eastern portion of Custer County. We oppose the increase of 0.46 cfs as well as the addition of another well into the Madison Aquifer. This addition to the existing permit would allow the United Order of South Dakota to pump 300 GPM. After reading the application we have serious concerns related to the use of this water.

The property that will be supplied the 300 GPM, if we are not mistaken, is on a 140 acre parcel of property. We belong to a rural water association that has a Madison well. The permit for that well is 250 GPM. Their supply area is 96 +/- square miles, with 200 +/- miles of pipe servicing over 60 members. Why is the State allowing permits on this 140 +/- parcel to exceed our supply?

The application indicates this water is for "suburban housing". Has a waste water plan been submitted in conjunction? This appears to be an extreme amount of water for the needs of a property this size.

Water in Western South Dakota is a very valuable, tenuous element. We are very concerned about over use, misuse and abuse of this resource.

We respectfully request this permit be declined.



Dean and Delia Johnson
14585 East French Creek Road
Fairburn SD 57738

Cc: United Order of South Dakota, c/o Seth Jeff's, Box 5050, Custer SD 57730
Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501
Attention: Chief Engineer