

WATER PERMIT NO. 1762B-1

Name of Applicant: Roch or Rita Bestgen

Address: 20140 126th Pl, Whitewood SD 57793

Phone: 605 347-1699

Amount of Water Claimed: no add'l

Total Acres: no add'l

Source of Water Supply: 4 wells

Water to be used for: irrigation

County: Meade

Type of Waste Disposal System:

Location: 4 miles west of Sturgis

PRIORITY

Date Received: 2-27-23

Application/License Fee: \$300

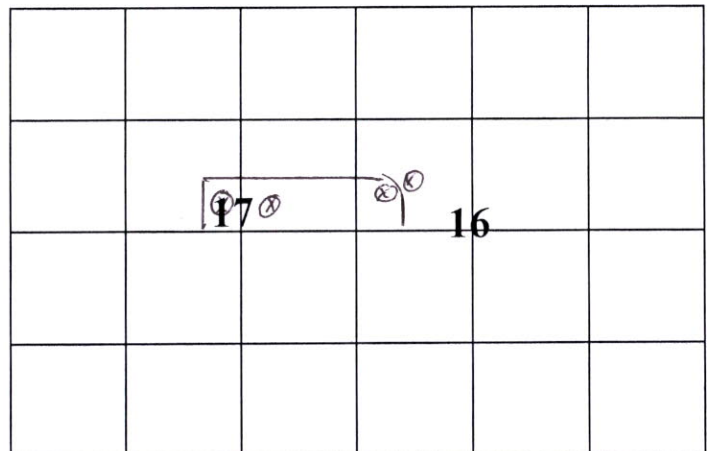
Corrected Application Received: 3-8-23

Period of Annual Use: April 1- November 30

Remarks: Change of acres on Water Right No. 1762A-1

Diversion Point: S 1/2 NW 1/4 Sec 16 and SW 1/4 NE 1/4, SE 1/4 NW 1/4 Sec 17; all in T6N-R5E

Land to be Irrigated: SW 1/4 NW 1/4 Sec 16, S 1/2 NE 1/4, SE 1/4 NW 1/4 Sec 17; all in T6N-R5E



Depth of Well:

Well Driller:

Remarks:

Type of Map: aerial

Reviewed and the Number Assigned on: 3-8-23

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____

SOUTH DAKOTA
WATER PERMIT NO. 1762B-1

Date of first receipt of application February 27, 2023.

Date of return to applicant for corrections, amendments or changes March 2, 2023.

Date of receipt of corrected application March 7, 2023.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 1762B-1 to Roch or Rita Bestgen, 20140 126th Pl, Whitewood SD 57793 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. 1762B-1 transfers acres authorized for irrigation by Water Right No. 1762A-1. Water Right No. 1762A-1 authorizes 1.93 cubic feet of water per second from four wells completed into the Inyan Kara Aquifer and three ponds located in the S 1/2 NW 1/4 Section 16 and SW 1/4 NE 1/4, SE 1/4 NW 1/4 Section 17 for irrigation of 135.2 acres located in the W 1/2 NW 1/4 Section 16, SE 1/4 NW 1/4, S 1/2 NE 1/4 Section 17; all in T6N-R5E. This permit transfers 10 acres located in the NW 1/4 SW 1/4 Section 16 and 5 acres located in the SW 1/4 NW 1/4 Section 16 to the SE 1/4 NW 1/4 Section 17; all in T6N-R5E. No increase in the diversion rate or number of acres is authorized by this permit. This site is located approximately 4 miles north of Sturgis SD.
2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: April 1 – November 30.
3. The date from which applicant may claim right is March 21, 1961 for 95.2 acres; September 26, 1988 for 40 acres.
4. The date of approval of Permit No. 1762B-1 is May 15, 2023.
5. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. The wells approved under this Permit and Water Right No. 1762A-1 are located near domestic wells and other wells which may obtain water from the same aquifer. The well owner, under these Permits shall control withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The wells approved under this Permit and Water Right No. 1762A-1 shall be valved and the flow reduced to the amount needed or to a minimum when not being used. If the wells are abandoned, the wells must be plugged in accordance with Water Management Board Rules, Chapter 74:02:04.
3. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

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

JUN 20 2023
date



FORM 2: Application for irrigation in South Dakota
(type or print)

PAID

FEB 27 2023

Ck# 7313

Rec't# **RECEIVED**

FEB 27 2023

OFFICE OF WATER

Mail to: SD DANR, Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. <u>1762B-1</u> Hydrologic Unit <u>10120202</u> Basin <u>Belle Fourche</u> Newspaper <u>Faith Independent 967-2161</u> <u>Black Hills Pioneer</u> (office use only) <u>642-2761</u>
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Application for Permit to Appropriate Water for Irrigation

Type of Application: ☐ New ☐ Vested Right ☒ Amendment/Correction to Permit No. 1762A-1
(Use predates Mar 2, 1955)

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

relocate permitted acres

add additional acres, no additional water requested

1. Name to Appear on Irrigation Permit Roch or Rita Bestgen

Note: The "Name to Appear on Irrigation Permit" must be the name in which the property to be irrigated is held in.

Mailing Address 20140 126th PL. Whitewood SD 57793
(Address) (City) (State) (Zip Code)

Phone 605-347-1699 Mobile _____ Email Sod Ma Ma 14@gmail.com

2. Amount of water claimed 1762A-1 *CFS or no add'l **GPM ***AF Total Acreage 135.2
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable

3. Source of water supply 1762A-1 4 wells no add'l ac

4. Location of point of diversion 1762A-1
(example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)

County Meade 1762A-1

5. County or counties where water will be used 1762A-1 April 1 - Nov 30

6. Annual period during which water is to be used 1762A-1

7. List below each forty-acre division, or lot, or fraction thereof and show number of acres to be irrigated in each.
(Attach sheet if more space is needed)

Land Description	Acres	Land Description	Acres
Section 16-SW 1/4 NW 1/4	35	all in T16N-R5E	
Section 17-SE 1/4 NE 1/4	32		
Section 17-SW 1/4 NE 1/4	29.2		
Section 17-SE 1/4 NW 1/4	39		

8. Give a description of the project. (Attach sheet if more space is needed)

Request removal of 10 acres Section 16 NW 1/4 SW 1/4 (new land owner)
Request relocation of 5 Acres from Section 16 SW 1/4 NW 1/4 to SE 1/4 NW 1/4
Request additional 10 acres to SE 1/4 NW 1/4. (See Attached)

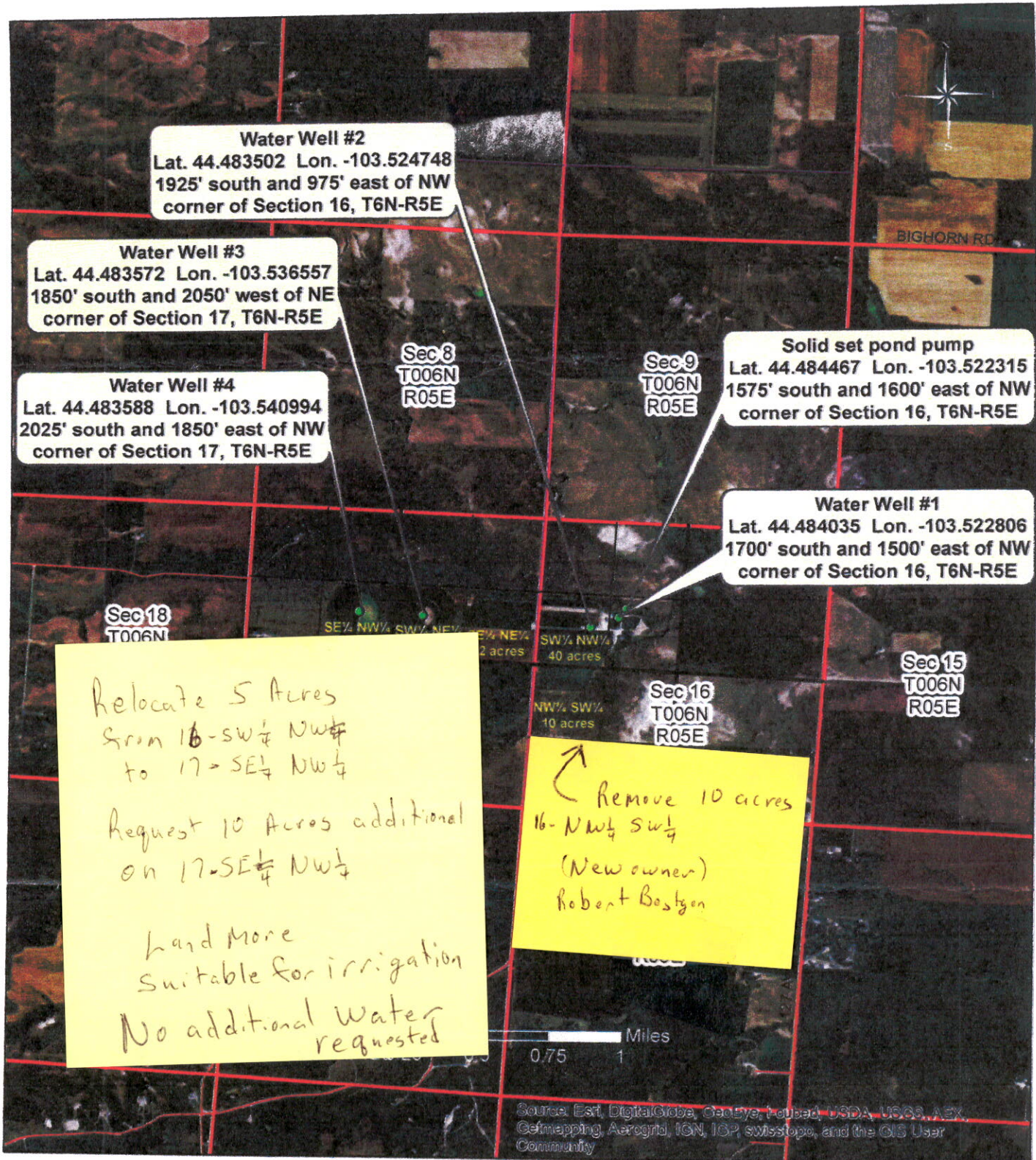
I, Roch Bestgen ☒ owner, the applicant, certify under
Name of Person Title (if applicable)

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.

Water Right 1762-1 & 1762A-1

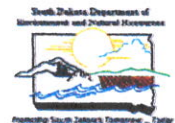
Roch [redacted] Bestgen

~~September 24, 2015~~



Aaron R. Tieman

Aaron Tieman
Natural Resources Engineer II
DENR Water Rights Program



**STATE OF SOUTH DAKOTA
WATER LICENSE NO. 1762A-1**

(1) Philip Bestgen, 21044 Avalanche Rd, Whitewood SD 57793 made Application No. 1762A-1, October 16, 2003 for a water permit to change the location of the diversion points and the acreage irrigated authorized under Water Permit No. 1762-1 to areas more suitable for irrigation. Water Permit No. 1762A-1 did not allow for an increase in the water appropriated or the number of acres irrigated. The project is located in Meade County, South Dakota. Permit No. 1762A-1 was approved December 22, 2003 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before October 22, 2008 and for the application to beneficial use of said water on or before October 22, 2012.

The water right and water permits associated with the water use system are as follows:

- **Water Right No. 1499-1** authorizes diversion of 0.026 cfs from two wells (Inyan Kara Formation). Water can also be diverted at a rate of 0.78 cfs from three storage ponds for irrigation of 135.2 acres. The priority dates retained are:
 - a) March 21, 1961 (95.2 acres and 0.26 cfs from the wells as established under No. 555-1);
 - b) September 26, 1988 (two ponds & an additional 40 acres as established under No. 1449-1);
 - c) October 30, 1990 (one pond as established under No. 1499-1).
- **Water Permit No. 1762-1**, with a priority date of January 8, 2002, authorizes an additional 1.67 cfs, two additional wells and also increases the period of annual use for irrigation of the acres described in Water Right No. 1499-1.

The applicable portions of Water Right No. 1499-1 and 1762-1 are incorporated into Water License No. 1762A-1.

(2) It is certified that the permit holder has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 1.93 cubic feet of water per second for beneficial use. The location of the diversion points are:

Well #1 is located approximately 1,700 feet south and 1,500 feet east of the NW corner of Section 16, T6N-R5E (SE ¼ NW ¼ Section 16);

Well #2 is located approximately 1,925 feet south and 975 feet east of the NW corner of Section 16, T6N-R5E (SW ¼ NW ¼ Section 16);

Well #3 is located approximately 1,850 feet south and 2,050 feet west of the NE corner of Section 17, T6N-R5E (SW ¼ NE ¼ Section 17);

Well #4 is located approximately 2,025 feet south and 1,850 feet east of the NW corner of Section 17, T6N-R5E (SE ¼ NW ¼ Section 17)

The **three ponds** are in the same area with the point of diversion where the pump is located approximately 1,575 feet south and 1,600 feet east of the NW corner of Section 16, T6N-R5E (SE ¼ NW ¼ Section 16).

continued

Water License No. 1762A-1

Page 2

(3) The permit holder has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to irrigate the following land:

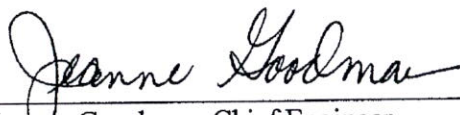
Section 16, T6N, R5E		Section 17, T6N, R5E	
SW ¼ NW ¼	40.0 acres	SE ¼ NW ¼	24.0 acres
NW ¼ NW ¼	10.0 acres	SW ¼ NE ¼	29.2 acres
<i>S (based on map)</i>		SE ¼ NE ¼	32.0 acres
		Total 135.2 acres	

- Priority dates: March 21, 1961 for 95.2 acres; September 26, 1988 for 40.0 acres

(4) Pursuant to South Dakota Water Law 46-5-30.1 Philip Bestgen, 21044 Avalanche Rd, Whitewood SD 57793 the holder and/or owner of Incorporated Water Right No. 1762A-1 is issued a license to appropriate water, the right to use 1.93 cubic feet of water per second from ground water (four wells – Inyan Kara Aquifer) and three ponds with priority dates of March 21, 1961 (0.26 cfs, 95.2 acres and 2 wells); September 26, 1988 (2 ponds and 40 acres); October 30, 1990 (1 pond); January 8, 2002 (2 wells – Inyan Kara Aquifer and 1.67 cfs) from the locations specified in (2) of this license for irrigation purposes.

This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 1762A-1 and subject to the following qualifications:

- 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.
- The wells authorized by Permit Nos. 1762-1 & 1762A-1 shall be constructed by a licensed well driller and construction shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) from the producing formation to the surface pursuant to Section 74:02:04:28. *Wells were drilled by Heaton Drilling. Copies of the logs are on file with the Water Rights Program.*
- The wells approved under this Permit shall be valved and the flow reduced to the amount needed or to a minimum when not being used. If this well is abandoned or the Permit cancelled, the well must be plugged in accordance with Water Management Board Rules, Chapter 74:02:04.
- This Permit is approved subject to the irrigation water use questionnaire being submitted each year.



Jeanne Goodman, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

OCT 08 2015

date



RECEIPT

WATER RIGHTS PROGRAM South Dakota Department of Agriculture and Natural Resources

Date February 27, 2023

RECEIVED OF Roch/Rita Bestgen 20140 126th Pl., Whitewood SD 57793

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

Fee for Application for Permit No. <u>1762B-1</u> to Appropriate Water, to construct and to put water to beneficial use	\$ <u>100.00</u>
Fee for Application for Permit No. _____ to Appropriate Water for Future use	\$ _____
Fee to retain Future Use Permit No. _____ after period of seven years.	\$ _____
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>1762B-1</u>	\$ <u>200.00</u>
Fee for Filing Transfer Form _____	\$ _____
Fee for _____	\$ _____
Fee for Issuing New Well Driller's License No. _____	\$ _____
Fee for Renewal of Well Driller's License No. _____	\$ _____
Fee for Issuing Well Pump Installer's License No. _____	\$ _____
Fee for Renewal of Well Pump Installer's License No. _____	\$ _____
(Any Other Work Provided by Law)	TOTAL
	\$ <u>300.00</u>

By Eric Gronlund
Chief Engineer
vm

Schlaak, Karen

From: Robert Bestgen <rbestgen@gmail.com>
Sent: Tuesday, March 7, 2023 7:16 PM
To: Duvall, Ron
Cc: Schlaak, Karen; Rodriguez, Rachel
Subject: Re: [EXT] Transfer of Acres covered by Water Right No. 1762A-1
Attachments: image001.png

Ron,

Yes I agree and approve of the land transfer.

Rob Bestgen

On Tue, Mar 7, 2023, 2:59 PM Duvall, Ron <Ron.Duvall@state.sd.us> wrote:

Robert,

Thank you for the phone call. The application submitted by Roch and Rita seeks to move 10 acres authorized for irrigation from the NW1/4 SW1/4 section 16-T6N-R5E to section 17. If the application is approved the 10 acres in section 16 can no longer be irrigated under No. 1762A-1. Since you are the property owner in section 16, do you agree to the transfer of the 10 acres? Please reply and let us know.

Thank you,

Ron Duvall

Dept. of Agriculture & Natural Resources
Office of Water, Water Rights Program

605.773.3352

danr.sd.gov





**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

March 2, 2023

Roch or Rita Bestgen
20140 126th Pl
Whitewood SD 57793

Dear Mr. & Mrs. Bestgen:

Thank you for submitting the *Application for a Permit to Appropriate Water* for a transfer of acres on Water Right No. 1762A-1.

Your application indicates you want to transfer the 10 acres located in the NW 1/4 SW 1/4 Section 16-T6N-R5E because you no longer own the land. Since Robert Bestgen is the current landowner, we will need a written statement signed by Robert stating he agrees with the transfer of acres.

If you have any questions, please contact Ron Duvall or me.

Sincerely,

Karen Schlaak
Water Rights Program
605 773-3352
karen.schlaak@state.sd.us



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 1762B-1, Roch or Rita Bestgen**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Agriculture and Natural Resources concerning Water Permit Application No. 1762B-1, Roch or Rita Bestgen, 20140 126th Place, Whitewood SD 57793.

The Chief Engineer is recommending APPROVAL of Application No. 1762B-1 because 1) the proposed diversion can be developed without unlawful impairment of existing domestic water uses and water rights, 2) the proposed use is a beneficial use and 3) it is in the public interest as it pertains to matters of public interest within the regulatory authority of the Water Management Board with the following qualifications:

1. The wells approved under this Permit and Water Right No. 1762A-1 are located near domestic wells and other wells which may obtain water from the same aquifer. The well owner, under these Permits shall control withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The wells approved under this Permit and Water Right No. 1762A-1 shall be valved and the flow reduced to the amount needed or to a minimum when not being used. If the wells are abandoned, the wells must be plugged in accordance with Water Management Board Rules, Chapter 74:02:04.
3. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

See report on application for additional information.

Eric Gronlund, Chief Engineer
April 19, 2023

**Report to the Chief Engineer on
Water Permit Application No. 1762B-1**

Roch and Rita Bestgen

6 April 2023

Water Permit Application No. 1762B-1 seeks to transfer acres authorized for irrigation by Water Right No. 1762A-1. Water Right No. 1762A-1 authorizes a total diversion rate of 1.93 cubic feet of water per second (cfs) from four wells completed into the Inyan Kara aquifer for irrigation of a combined total of 135.2 acres located in the SW $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 16 and SE $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 17; all in T6N-R5E Black Hills Meridian. The applicant is proposing to transfer 10 acres located in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 16 and 5 acres located in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 16 to the SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 17; all in T6N-R5E. No additional, wells, acres, or diversion rate authority are requested. This application is approximately 4 miles north of Sturgis, South Dakota.

Aquifer: Inyan Kara (INKR)

Hydrogeologic Characteristics

The Inyan Kara aquifer is a regional-scale bedrock aquifer that underlies most of the northern great plains in the United States and Canada and is composed of the permeable and saturated portions of the Inyan Kara Group of sediments deposited during the early Cretaceous period [1] [2]. The Inyan Kara Group consists of the Fall River and the Lakota Formations. The Fall River Formation is a “Variegated brown, red, and gray to purple, calcareous, well-sorted, fine-grained sandstone, siltstone, and shale containing mica” [1]. The Lakota Formation is a “yellow, brown, red-brown, and gray to black claystone, silty pebble conglomerate, and massive-to-thin-bedded, cross-bedded sandstone” [1]. The Inyan Kara aquifer underlies approximately 23,000,000 acres of South Dakota west of the Missouri River and also extends east of the Missouri River [3]. In South Dakota, the Inyan Kara aquifer is under water table conditions where it outcrops around the Black Hills but is otherwise under confined conditions [4] [5]. Most of the Inyan Kara aquifer is overlain by the Skull Creek Shale, which behaves as a relatively impermeable barrier between the Inyan Kara and the Dakota aquifers [6]. Where the Skull Creek Shale is not present, the Inyan Kara aquifer discharges into the Dakota aquifer [6]. Below most of the Inyan Kara aquifer, the Morrison Shale behaves as a relatively impermeable barrier between the Inyan Kara aquifer and the aquifers below it [6]. In general, water in the Inyan Kara aquifer flows radially out from the Black Hills and eastward across South Dakota [7] [4].

The applicant has four wells in their license. Two well completion reports are in the administrative file for Water Right No. 1762A-1 and two well completion reports are in the administrative file for Water Right No. 1762-1, which was incorporated into Water Right No. 1762A-1. All four wells were completed for Phillip Bestgen, the previous holder of Water Right No. 1762-1. The first well was completed on March 31, 1995, in SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 16. The driller reported encountering the Fall River formation from 260 to 300 feet below grade, “Fuson” from 300 to 410 feet, “Lakota” from 410 to 450 feet, “Fuson” from 450 to 510 feet, “Lakota” from 510 to 530 feet, and the Morrison formation from 530 to 540 feet. The Fuson shale is the uppermost member of the Lakota formation, so the driller was likely describing layers of shale

and sand when he described “Fuson” and “Lakota” multiple times. The driller placed 30 feet of 2 7/8 inch screen, presumably at the bottom of the hole. The driller reported a closed in pressure of 10 psi, an equivalent of approximately 23 feet of hydraulic head above grade at the time the first well was completed. The second well was completed on October 6, 2000, in the SW ¼ NW ¼ Section 16. The driller reported encountering “Dakota” from 215 to 257 feet below grade, layers of “Fuson” and “Lakota” from 257 to the total depth of 566 feet below grade. The driller placed 2 7/8 inch screen below 380 feet below grade. The second well had a closed-in pressure of 6 psi, or approximately 14 feet of hydraulic head above grade, at the time it was completed. The third well was completed on April 10, 2004, in the SW ¼ NE ¼ Section 17. The driller reported encountering sand from 235 to 318 feet below grade and clay from 318 to 328 feet below grade. The driller placed 4 ½ inch screen from 250 to 320 feet below grade and reported the static water level was 10 feet below grade at the time the well was completed. The fourth well was completed on September 26, 2007, in the SW ¼ NW ¼ Section 17. The driller reported encountering sand from 245 to 332 feet below grade and Fuson formation from 332 to 435 feet. The driller placed 4 ½ inch screen 254 to 334 feet below grade, with a static water level of 40 feet below grade at the time the well was completed.

Applicable South Dakota Codified Law

Pursuant to SDCL 46-2A-9, a permit to appropriate water may be issued if there is reasonable probability that there is unappropriated water available for the applicant’s proposed use, that the proposed diversion 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. This report will only assess the availability of water and possibility of developing this application without unlawful impairment of existing domestic water uses and water rights.

Pursuant to SDCL 46-6-3.1, 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 the water to the groundwater source. An exception allows water distribution systems to withdraw from groundwater sources older or stratigraphically lower than the Greenhorn Formation regardless of the results of a hydrologic budget. The Inyan Kara aquifer is older and stratigraphically lower than the Greenhorn Formation, but the applicant’s proposed use is not to supply a water distribution system as defined in SDCL 46-1-6(17). Therefore, the Water Management Board must consider whether recharge exceeds withdrawals for this application. This application requests no additional diversion rate authority, acreage, or wells, but an analysis of the availability of water and estimates of recharge and discharge are included for the information of the Chief Engineer and Water Management Board.

Pursuant to SDCL 46-5-34 all irrigation water rights remain appurtenant to the land upon which it is used, but it provides that irrigation water rights may be severed from the land and transferred to other acreage with an amendment. The amended water right would retain its original priority date. This application transfers land pursuant to SDCL 46-5-34 and will retain its original priority date.

Availability of Water

Hydrologic Budget

Recharge

Recharge to the Inyan Kara aquifer is by infiltration of precipitation and streamflow over the outcrop and groundwater inflow from aquifers in contact with the Inyan Kara aquifer when the hydraulic head of those aquifers is higher than that of the Inyan Kara aquifer [8]. There is no estimate of the total recharge to the Inyan Kara aquifer available from a single report. Driscoll and Carter [8] estimated that the recharge to the Inyan Kara outcrop in the Black Hills area of South Dakota is 11,600 ac-ft/yr. Bredehoeft, Neuzil, and Milly [9] attempted to model flows between the Madison Group, Inyan Kara aquifer, Dakota/Newcastle aquifer, and confining shale units, but the model is based on dated information when newer information is available that could change the results. Their model estimated that approximately 16,000 ac-ft/yr flows from the Madison Group to the Inyan Kara aquifer [9], which is the only available estimate of recharge to the Inyan Kara aquifer from lower aquifers.

Discharge

Discharge from the Inyan Kara aquifer is by evapotranspiration on the outcrops when the hydraulic head and formation of the aquifer is near land surface, seepage to surface water features when hydraulic head of the aquifer is above the stage of the surface water features the aquifer is hydrologically connected to, groundwater outflow to aquifers in contact with the Inyan Kara aquifer, uncontrolled flowing wells, and domestic and appropriative well withdrawals [10] [8] [11]. The Water Rights Program considers the outflow from uncontrolled flowing wells and the outflow from natural discharge to be available for appropriation.

Due to the low withdrawal rate and prevalence of water distribution systems, domestic well withdrawals are estimated to be negligible for the hydrologic budget. There are 211 water rights/permits currently authorized to withdraw from the Inyan Kara aquifer, one future use permit, No. 1780-2, reserving 142 ac-ft/yr from the aquifer, and one application, No. 2686-2, which seeks to withdraw up to 274 ac-ft/yr is being held in abeyance until federal permits are approved [11].

Of the 211 water rights/permits authorized to withdraw water, 97 are primarily for some type of water distribution system (such as a rural water system, suburban housing development, or municipal use, etc.), 58 are for commercial use, 18 for domestic use, 17 for irrigation, 10 for industrial use, 5 for fish and wildlife propagation, 3 for geothermal use, 2 for recreation, and 1 for institutional use [11]. Eleven of the 17 irrigation water rights/permits are required to report their withdrawals and are old enough to have reported their withdrawals in an irrigation questionnaire [11]. Figure 1 shows a graph of reported irrigation over the entire period of record (1982-2021) [12]. Average irrigation reported over the period of record (1982-2021) was approximately 81 ac-ft/yr [12]. However, irrigation practices have changed, so an average over the period of record may not be an accurate method to predict future withdrawals. The average irrigation over the last ten years of record (2012-2021) was approximately 129 ac-ft/yr [12]. There are six irrigation permits, accounting for approximately 590 acres, where the permit either does not require an annual report or the permit is too new to have reported irrigation [11]. Water

Right No. 466-1 allows for irrigation via ditches of 434 acres from a flowing well at 1.5 cfs and is assumed to withdraw 1,086.68 ac-ft/yr, which is the amount the well can deliver if it flows uncontrolled at its maximum instantaneous diversion rate [11]. Assuming the five other water right/permits accounting for approximately 155.75 acres that do not report irrigation or, are too new to have reported, apply 12 inches per acre per year, those permits are estimated to withdraw a total of 155.75 ac-ft/yr. The total estimated withdrawal for irrigation is 1,372 ac-ft/yr, using the 2012 through 2021 average withdrawal rate for reporting permits.

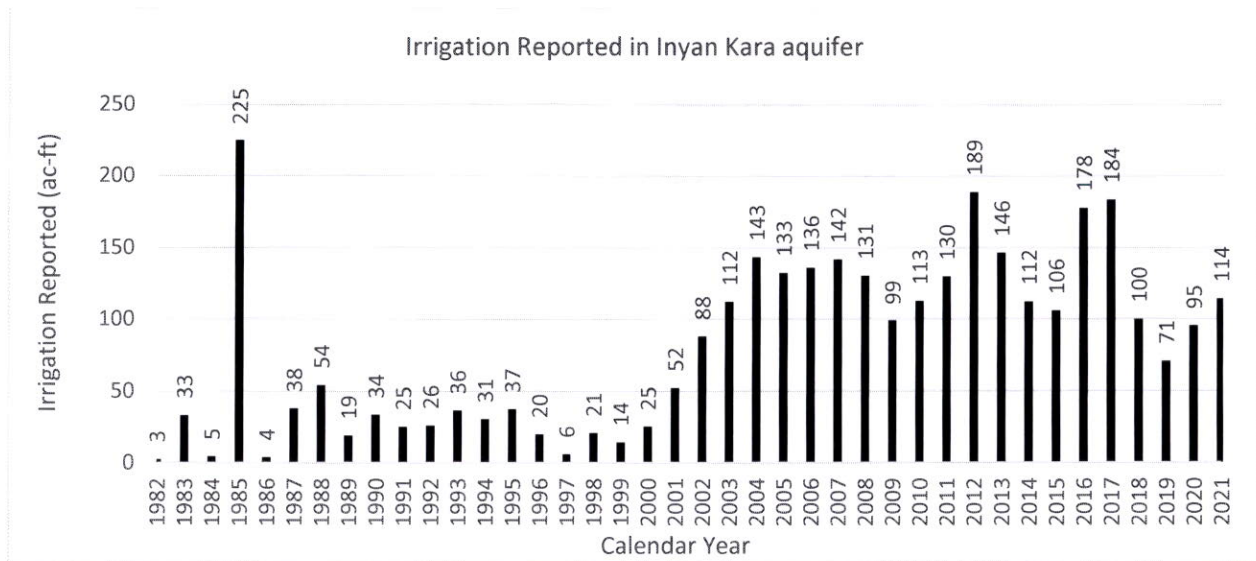


Figure 1: Irrigation reported in the Inyan Kara aquifer [12]

Of the non-irrigation withdrawals, 18 municipal water rights/permits are only maintained for emergency use [13] [14] [15] [16]. Those water rights/permits are assumed to withdraw a negligible amount of water.

There are 42 non-irrigation water rights/permits required to report their withdrawals to the Water Rights Program, although some are new enough that their average reported use continues to increase with each new year of reports, which means they are still developing the full use of their permit [11] [17]. For water rights/permits that are still developing their permit, if there is a maximum volume of withdrawal specified in their permit, that volume is assumed to be their estimated annual withdrawal. If those permits do not have a volume specified on their permit, they are assumed to pump at their maximum instantaneous diversion rate 60% of the time. For non-irrigation permits required to report that have fully developed their permit, the estimated withdrawal is their average annually reported withdrawal rate. One water right permit holder, Wink Cattle Company, reported withdrawals of 24 ac-ft in 2018, 15.9 ac-ft in 2019, 25.5 ac-ft in 2020, and 29.6 ac-ft in 2021 [17] [18]. Representative Wink indicated to Water Rights staff that the meter reading in his latest non-irrigation questionnaire response was for the entire time the well for his water rights had been in operation and he also reported that the meter reading for his well was over 106 million gallons on November 6, 2021 [18]. His earliest water right/permit was approved in 2006 [11], so his average annual withdrawal is approximately 22 ac-ft/yr for the 16 years Wink Cattle Company has had a water right/permit. There are 13 water rights/permits

which report their water production to the Drinking Water Program and the Inyan Kara aquifer is their only source of water, so their reported production is assumed to be their withdrawal [14]. Appendix Table 2 shows the non-irrigation water rights/permits required to report their withdrawals and Appendix Table 3 shows those reported to the Drinking Water Program when the Inyan Kara aquifer is their only source of water. The total estimated withdrawal for non-irrigation water rights/permits that report withdrawals is 4,384 ac-ft/yr.

There are five non-irrigation water rights/permits not required to report that have a volume limit specified in their permit [11]. Those water rights/permits are assumed to withdraw their full specified volume, for a total withdrawal of 193 ac-ft/yr.

Concentrated animal feeding operations (CAFOs) large enough to require a *General Water Pollution Control Permit for Concentrated Animal Feeding Operations* (General Permit) that do not report their annual withdrawals are estimated to withdraw water based on the number of animals permitted to those facilities [19] [20]. There are 14 CAFOs that are large enough to require a General Permit that are not required to report their withdrawals under their water right/permit. In the cases where the estimated animal water requirements are greater than the amount of water allowed by the water right/permit, the water rights/permits are assumed to withdraw at the maximum amount of water licensed/permitted. Appendix Table 4 shows the estimated withdrawals for CAFOs not required to report. The total estimated withdrawal for CAFO water rights/permits not required to report their withdrawals is 1,095 ac-ft/yr.

Finally, there are 102 non-irrigation water rights/permits that do not match any of the descriptions above [11]. They are conservatively assumed to withdraw at their maximum instantaneous diversion rate 60% of the time, for a withdrawal of 6,373 ac-ft/yr. This is likely to be an overestimate, based on Water Rights Staff experience.

Summary of Hydrologic Budget

Recharge to the Inyan Kara aquifer is estimated to total to 27,600 ac-ft/yr. Table 1 summarizes withdrawal estimates from the aquifer. The total withdrawals from the Inyan Kara aquifer, including reservations for future use and estimated withdrawals from a permit held in abeyance, are 13,833 ac-ft/yr. This application is requesting no additional diversion rate authority or acreage. Therefore, there is reasonable probability water is available for this application.

Table 1: Summary of hydrologic budget

Type	No. permits	Est. Withdrawal (ac-ft/yr)
Irrigation, Reporting	11	129
Irrigation, not reporting	6	1,242
Standby	18	0
Non-irrigation, reporting	55	4,384
Non-irrigation, not reporting, volume limited	5	193
CAFO, non-reporting, limited by diversion rate	14	1,095
All others, limited by max. diversion rate	102	6,373
<i>Subtotal (currently permitted to withdraw)</i>	<i>211</i>	<i>13,417</i>
Pending	1	274
Future use	1	142
Grand Total	213	13,833

Observation Wells

The Water Rights Program maintains 9 observation wells completed into the Inyan Kara aquifer, 8 of which are in the Black Hills region. The nearest observation well to this application is MD-89A, located approximately 0.7 miles south of the eastern wells for this application and approximately 0.9 miles southeast of the western wells for this application. Figure 2 shows the water levels measured in Observation Well MD-89A, which are representative of the behavior of the aquifer in this area. In general, water levels rise during periods of higher-than-average precipitation and decline during periods of lower-than-average precipitation. Water level fluctuations measured from wells completed into confined aquifers do not represent a significant fluctuation of the amount of water in the aquifer, but rather fluctuations in the hydraulic head in the aquifer. There are also declines during the summer from seasonal uses such as irrigation and campground water supply, but water levels in the observation well return to normal levels considering the climactic effects. Drawdown from this Water Permit No. 1762A-1 is reflected in the observation well record. The fluctuations in response to climactic effects indicate water is naturally discharging from the aquifer. The Water Management Board considers natural discharge from an aquifer available for capture. Therefore, there is reasonable probability water is available for this application.

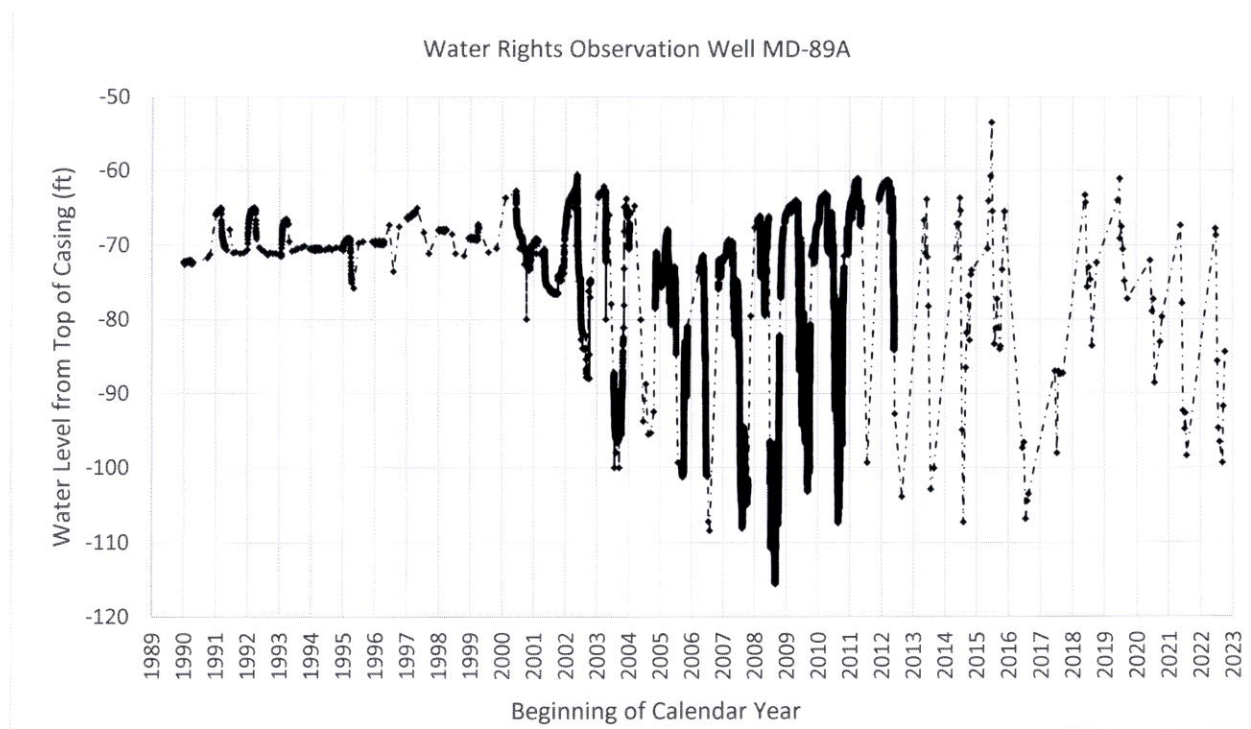


Figure 2: Water levels in Observation Well MD-89A [4]

Possibility of Unlawful Impairment of Existing Rights

The nearest water right/permit to this application is Water Right No. 1773-1, located approximately 1.3 miles southeast of the wells in Section 16 and approximately 1.8 miles southeast of the wells in Section 17 [11]. There are numerous domestic wells on file with the Water Rights Program in the same sections as this application that are likely to be completed into the Inyan Kara aquifer [5]. This application seeks no additional wells, diversion rate authority, or irrigated acreage, so additional drawdown compared to that which is documented in the record of Observation Well MD-89A is likely to be minimal. There are no complaints on file with the Water Rights Program regarding well interference in the Inyan Kara aquifer in Meade County [21]. Therefore, there is a reasonable probability this application can be developed without unlawful impairment of existing water rights. Out of an abundance of caution, the applicant should control withdrawals so that nearby domestic wells and senior water rights are able to access needed water.

Conclusions

1. Water Permit Application No. 1762B-1 seeks to transfer acres authorized for irrigation by Water Right No. 1762A-1. Water Right No. 1762A-1 authorizes a total diversion rate of 1.93 cfs from four wells completed into the Inyan Kara aquifer for irrigation of a combined total of 135.2 acres located in the SW $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 16 and SE $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 17; all in T6N-R5E Black Hills Meridian.

2. The applicant is proposing to transfer 10 acres located in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 16 and 5 acres located in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 16 to the SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 17; all in T6N-R5E. No additional wells, acres, or diversion rate authority are requested.
3. There is reasonable probability this application can be developed without unlawful impairment of existing water rights since no additional water is being appropriated or wells being added.



Kimberly C. Drennon, E.I.

Natural Resources Engineer II – DANR Water Rights Program

Report on Water Permit App. No. 1762B-1

Appendix

Table 2: Water right permits required to report to the Water Rights Program [11] [17]

Permit	Status	Name/Business	County	Use Type	Priority	Max CFS	Est. Use (ac-ft/yr)
8299-3	PE	Aberdeen Energy LLC	ED	IND	09/28/2018	1.330	968 ^V
8197-3	PE	Aberdeen Farm LLC	BN	COM	01/29/2016	0.160	0 ^S
8635-3	PE	Big Watt Digital SD LLC	SU	COM	05/09/2022	0.890	77 ^V
1903-1	LC	Castle Rock Group	BU	DOM	05/19/2009	0.110	15 ^A
1906-1	LC	City of Sturgis	MD	MUN	08/21/2009	0.222	2 ^A
1958-1	LC		MD	MUN	04/11/2016	0.088	
2596-2	LC	City of Wall	PE	MUN	07/24/2006	0.600	149 ^A
1983-1	PE	Continental Resources	HR	IND	07/10/2018	0.500	360 ^V
1846-1	LC	Dennis or Anna Mae Beckham	MD	SHD, DOM	05/26/2005	0.100	3 ^A
1996-1	PE	Dylan Gingras	MD	WDS	04/14/2020	0.133	48 ^V
1920-1	LC	Elk Valley Ranchettes HOA	MD	SHD	01/24/2011	0.100	7 ^A
2635-2	LC	Fall River Water Users District	FR	SHD, DOM	07/17/2008	0.100	5 ^A
2819-2	PE		FR	RWS	06/01/2021	0.090	25 ^V
1826-1	LC	Golden Valley Water Company LLC	MD	SHD	09/01/2004	0.267	17 ^A
2601-2	LC	Grandview Land LLC	PE	SHD	09/01/2006	0.330	206 ^V
1837-1	LC	Guy Mann	MD	SHD	02/28/2005	0.220	2 ^A
1645-2	LC	Hermosa Water Users Assn	CU	RWS	08/17/1978	0.600	160 ^A
2841-2	PE	Hwy 79 LLC	PE	COM, WDS	02/18/2022	0.890	218 ^V
2538-2	PE	JKRK Properties LLC	PE	SHD	08/30/2004	0.244	14 ^A
1989-1	PE	Luff Exploration Company	HR	IND	04/09/2019	0.100	59 ^V
8197A-3	PE	Mina North LLC	BN	WDS, RWS, COM, GEO	01/29/2016	0.160	72 ^V
2622-2	LC	Owanka Rural Water Association Inc	PE	RWS	10/09/2007	0.390	18 ^A
1999-1	PE	Rafter Properties LLC	MD	WDS	07/23/2020	0.170	74 ^V
2832-2	PE	Reel Simple LLC	PE	WDS	11/08/2021	0.044	10 ^V
2543-2	LC	Southern Black Hills Water System	PE	SHD	09/30/2004	0.190	17 ^A
2752-2	PE		CU	RWS	04/25/2016	0.330	170 ^V
2752A-2	PE		CU	RWS	04/25/2016	0.000	0 ^E
8607-3	PE	Spring Creek Hutterian Brethren Inc	MP	COM, DOM	02/15/2022	0.220	100 ^V
744B-2	LC	Town of Hermosa	CU	MUN	12/29/1961	0.150	48 ^A
2550-2	LC		CU	MUN	01/25/2005	0.220	
1968-1	LC	Venekamps LLC	MD	WDS	04/27/2017	0.110	29 ^V
1874-1	LC	Viewfield Rural Water Assoc Inc	MD	RWS	01/03/2007	0.212	38 ^A
1898-1	LC		MD	RWS	11/14/2007	0.394	
8420-3	PE	Vogel Farms PTR	FA	GEO	01/28/2020	0.120	89 ^V
2830-2	PE	Weinreis Brothers	FR	COM	10/04/2021	0.330	160 ^V
2464-2	LC	West River Lyman Jones RWS	PE	RWS	07/26/2001	0.760	441 ^A
2465-2	LC		PE	RWS	07/26/2001	1.000	
2797-2	PE		PE	RWS	04/01/2019	1.000	
2778-2	PE	Western Construction Inc	PE	COM, IND	11/13/2017	0.170	31 ^V
1855-1	LC	Wink Cattle Co	MD	COM, DOM	01/26/2006	0.087	22 ^A
1975-1	PE		MD	COM, DOM	02/20/2018	0.069	
1975A-1	PE		MD	COM, DOM	12/03/2018	0.000	
Total						13.200	4,109

BN – Brown, BU – Butte, CU – Custer, ED – Edmunds, FA – Faulk, FR – Fall River, HR – Harding, MD – Meade, MP – McPherson, PE – Pennington

COM – Commercial, DOM – Domestic, GEO – Geothermal, IND – Industrial, MUN – Municipal, RWS – Rural Water System, SHD – Suburban Housing Development, WDS – Water Distribution System

Estimation methods: A – Average, E – Estimated 60% of CFS, S – Superseded by Permit No. 8197A-3, V – Volume

Report on Water Permit App. No. 1762B-1

Table 3: Water right permits only withdrawing from the Inyan Kara aquifer that report annual withdrawals to the Drinking Water Program [11] [14]

Permit	Status	Name/Business	County	Use Type	Priority	Max. CFS	Est. Use (ac-ft/yr)
1793-1	License	Autumn Meadows Sanitary District	MD	SHD	05/13/2003	0.170	2
716-1	License	City of Newell	BU	MUN	09/27/1963	0.440	77
731-1	License		BU	MUN	06/10/1964	0.440	
1597-1	License	Crooked Oaks Canyon HOA	MD	SHD	03/22/1994	0.100	3
2448-2	License	Heartland Country Ranchettes	CU	SHD	10/04/2000	0.089	7
1861-1	License	Horseshoe Acres HOA	MD	SHD	04/20/2006	0.170	10
1278-2	License	Lakeside Water Users District	PE	RWS	07/21/1975	0.500	57
1656-1	License	Lofty Pines HOA	MD	SHD	01/02/1998	0.085	2
2268-2	License	Prairie Acres LLC	PE	SHD	03/09/1993	0.220	24
794-2	License	Town of Buffalo Gap	CU	MUN	03/11/1963	0.190	11
660-2	License	Town of New Underwood	PE	MUN	03/03/1961	0.450	63
1947-2	License		PE	MUN	06/03/1981	0.410	
366-1	License	Town of Nisland	BU	MUN	01/01/1939	0.150	20
Total						3.414	275
BU – Butte, CU – Custer, MD – Meade, PE – Pennington							
MUN – Municipal, RWS – Rural Water System, SHD – Suburban Housing Development							

Report on Water Permit App. No. 1762B-1

Table 4: Water rights/permits held by large CAFOs not required to report withdrawals [11] [19] [20]

Permit	Status	Name/Business	Use Type	County	Priority	Max CFS	Ann. Limit (ac-ft/yr)	Livestock needs (ac-ft/yr)	Est. Use (ac-ft/yr)
6091-3	Permit	Brentwood Colony	COM	Faulk	07/13/1998	0.100	72	34	34
4965-3	License	Dakota Feeding Company LLC	COM	Sully	06/21/1983	0.330	239	168	168
6128-3	License	Deerfield Hutterian Brethren	DOM, COM	Edmunds	03/03/1999	0.270	196	45	45
5890-3	License	Evergreen Colony	DOM	Faulk	11/14/1995	0.140	101	28	28
2178-2	License	Fall River Feed Yard LLC	COM	Fall River	05/14/1991	0.620	449	280	280
6376-3	License	LDL Cattle Company	COM	Edmunds	12/26/2002	0.220	159	112	112
6377-3	License		COM	Edmunds	12/26/2002	0.270	196		
7098-3	License	Mike & Jessie Fuller	DOM, COM	Sully	02/19/2009	0.040	29	46	29
6619-3	Permit	P J Werdel & Sons	COM	Hand	03/14/2005	0.330	239	112	112
7209-3	License	Paul Oberlitner	COM	Potter	10/19/2010	0.040	29	62	29
6011-3	License	Plainview Colony Hutterian Brethren	COM	Edmunds	07/07/1997	0.220	159	30	30
6257-3	Permit	Thunderbird Colony	DOM	Faulk	04/05/2001	0.200	145	83	83
6851-3	License	Todd Cowan	COM	Hyde	04/25/2007	0.150	109	99	99
7034-3	License	Vogel & Sautner Farms	COM	Potter	05/19/2008	0.123	89	45	45
Total							2,212	1,145	1,095
COM – Commercial, DOM – Domestic									

References

- [1] J. E. Martin, J. F. Sawyer, M. D. Fahrenbach, D. W. Tomhave and L. D. Schulz, "Geologic Map of South Dakota," SD DANR Geological Survey Program, Vermillion, South Dakota, 2004. General Map 10.
- [2] J. S. Downey, "Geohydrology of bedrock aquifers in the northern Great Plains in parts of Montana, North Dakota, South Dakota, and Wyoming," United States Geological Survey, Denver, Colorado, 1986. Professional Paper 1402-E.
- [3] J. C. Allen, D. L. Iles and A. K. Petres, "Analysis of groundwater and streamflow data Western Dakotas region of South Dakota: Tasks 3A.B.C. and 4A.B.: Groundwater resource inventory," U.S. Army Corps of Engineers, Omaha, Nebraska, 1985.
- [4] SD DANR Water Rights Program, "Observation wells," Pierre, South Dakota, 2021.
- [5] SD DANR Water Rights Program, "Well completion reports," Pierre, South Dakota, 2021.
- [6] R. A. Schoon, "Geology and Hydrology of the Dakota Formation in South Dakota," SD DANR Geological Survey Program, Vermillion, South Dakota, 1971. Report of Investigations No. 104.
- [7] M. L. Strobel, J. M. Galloway, G. R. Hamade and G. J. Jarrell, "Potentiometric surface of the Inyan Kara aquifer in the Black Hills Area, South Dakota," United States Geological Survey, Rapid City, South Dakota, 2000. Hydrologic Investigations Atlas 745-A.
- [8] D. G. Driscoll and J. M. Carter, "Hydrologic Conditions and Budgets for the Black Hills of South Dakota, through Water Year 1998," United States Geological Survey, Rapid City, South Dakota, 2001. Water-Resources Investigation 01-4226.
- [9] J. D. Bredehoeft, C. E. Neuzil and P. C. D. Milly, "Regional Flow in the Dakota Aquifer: a Study of the Role of Confining Layers," United States Geological Survey, Alexandria, Virginia, 1983. Water-Supply Paper 2237.
- [10] J. R. Keene, "Ground-water resources of the western half of Fall River County, S.D.," SD DANR Geological Survey Program, Vermillion, South Dakota, 1973. Report of Investigations No. 109.
- [11] SD DANR Water Rights Program, "Water right permit file database," SD DANR Water Rights Program, Pierre, South Dakota, 2021.
- [12] SD DANR Water Rights Program, "Irrigation questionnaire summaries," SD DANR Water Rights Program, Joe Foss Bldg., Pierre, SD, 2021.

- [13] B. Friedeman, Interviewee, *Environmental Scientist II, SD DANR Drinking Water Program*. [Interview]. 6 February 2020.
- [14] SD DANR Drinking Water Program, "Drinking Water Reports," SD DANR Drinking Water Program, Joe Foss Bldg., Pierre, South Dakota, 2021.
- [15] K. Cain, Interviewee, *Water Distribution Sytem Operator for City of Edgemont*. [Interview]. 21 December 2021.
- [16] B. Kaufman, Interviewee, *City Engineer for City of Box Elder*. [Interview]. 16 December 2021.
- [17] SD DANR Water Rights Program, "Non-Irrigation Yearly Reports," SD DANR Water Rights Program, Joe Foss Bldg., Pierre, South Dakota, 2021.
- [18] D. Wink, Interviewee, *Water right permit holder for Wink Cattle Company*. [Interview]. 6 November 2021.
- [19] SD DANR Livestock Services Program, "Animal Table," SD DANR Livestock Services Program, Joe Foss Bldg., Pierre, South Dakota. Unpublished, 2021.
- [20] Ag-Info Centre, "Farm water supply requirements," Government of Alberta - Agriculture and Forestry, Edmonton, Alberta, Canada, 2009.
- [21] SD DANR Water Rights Program, "County Files," Joe Foss Bldg., Pierre, South Dakota, 2023.



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

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

April 24, 2023

Roch and Rita Bestgen
20140 126th Pl
Whitewood SD 57793

Dear Roch and Rita:

Water Permit Application No. 1762B-1 for irrigation use have been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice has been sent to the Faith Independent printed at Faith SD (Ph # 605 967-2161) and the Black Hills Pioneer printed at Spearfish SD (PH # 605 642-2761). You will need to contact the newspapers and authorize publication of this notice. For your information, a copy of the notice, the recommendation of the Chief Engineer and report on the application are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

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

Sincerely,

Rachel Rodriguez

Rachel Rodriguez
Water Rights Program
(605) 773-3352

enclosures

NOTE: If you plan to contest any part of the 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. 1762B-1 to Appropriate Water

Notice is given that Roch or Rita Bestgen, 20140 126th Pl, Whitewood SD 57793 has filed an application for a water permit to transfer acres authorized for irrigation by Water Right No. 1762A-1. Water Right No. 1762A-1 authorizes 1.93 cubic feet of water per second from four wells completed into the Inyan Kara Aquifer and three ponds located in the S 1/2 NW 1/4 Section 16 and SW 1/4 NE 1/4, SE 1/4 NW 1/4 Section 17 for irrigation of 135.2 acres located in the W 1/2 NW 1/4 Section 16, SE 1/4 NW 1/4, S 1/2 NE 1/4 Section 17; all in T6N-R5E. The applicant is proposing to transfer 10 acres located in the NW 1/4 SW 1/4 Section 16 and 5 acres located in the SW 1/4 NW 1/4 Section 16 to the SE 1/4 NW 1/4 Section 17; all in T6N-R5E. No increase in the diversion rate or number of acres is authorized by this application. This site is located approximately 4 miles north of Sturgis SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 1762B-1 with qualifications because 1) existing water rights will not be unlawfully impaired, 2) it is a beneficial use of water, and 3) it is in the public interest as it pertains to matters within the regulatory authority of the Water Management Board. The Chief Engineer's recommendation with qualifications, the application, and staff report are available at <https://danr.sd.gov/public> or contact Ron Duvall for this information, or other information, at the Water Rights Program address provided below.

Any person interested in opposing this application or recommendation shall allege that the application, upon approval, will cause injury to the person that is unique from any injury suffered by the public in general. The injury must concern a matter either within the regulatory authority found in SDCL 46-2A-9 for approval or denial of the application, or other matter concerning the application within the regulatory authority of the board to act upon as defined by SDCL 46-2-9 and 46-2-11, or both. Any person meeting the petitioner requirements and wishing to be a party of record in a contested case hearing shall file a written petition to oppose the application with BOTH the applicant and Chief Engineer. A petition opposing the application shall be filed on a form provided by the Chief Engineer. The petition form is available online at <https://danr.sd.gov/public> or by contacting the Chief Engineer. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501" or call (605) 773-3352. The applicant's mailing address is given above. If contesting the Chief Engineer's recommendation, the applicant shall also file a petition. A petition filed by either an interested person or the applicant must be filed by May 15, 2023.

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

Any interested person may file a comment on the application with the Chief Engineer. The comment shall be filed on a form provided by the Chief Engineer and is available online at <https://danr.sd.gov/public> or by calling (605) 773-3352 or writing the Chief Engineer at the address provided above. Filing a comment does not make the commenter a party of record or a participant in any hearing that may be held. Any comment must be filed by May 15, 2023.

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

Published once at the total approximate cost of_

Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Monday, April 24, 2023 10:41 AM
To: faithind@faithsd.com
Subject: 1762B-1 Roch/Rita Bestgen - Public Notice
Attachments: FORM8.FRM.doc; 1762B-1 public.short_final.docx

Attached is a notice to be published on May 3, 2023.

Roch and Rita Bestgen, 20140 126th Pl, Whitewood SD 57793, (605-347-1699) have 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, 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: Monday, April 24, 2023 10:42 AM
To: legals@bhpioneer.com
Subject: 1762B-1 Roch/Rita Bestgen - Public Notice
Attachments: FORM8.FRM.doc; 1762B-1 public.short_final.docx

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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



Form 8

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
) SS
County of Meade)

I, Kris Stocklin-Johnson

certify that the attached printed Notice was taken
from the Faith Independent

printed and published in Faith

County of Meade and

state of South Dakota. The notice was published
in the newspaper on the following date:

05/03/2023

Cost of Printing \$39.46

Kris Stocklin-Johnson
(Signature)

Editor

(Title)

05/11/2023

(Date Signed)

NOTICE OF RESPONSIBILITY TO CONTROL NOXIOUS WEEDS AND DECLARED PESTS

NOTICE IS HEREBY GIVEN this 24th day of April 2023 pursuant to SDCL 38-22 as amended to all owners, occupants, agents, and public officials in charge of lands in Meade County, South Dakota, that they are responsible for the suppression, control, and eradication of noxious weeds and declared pests' infestations that may exist on such lands.

Chemical, biological, and / or cultural control methods used for the suppression, control and eradication of noxious weed and declared pest infestations shall be those approved for such purposes by the Meade County Weed and Pest Supervisor, Agronomy Weed Field Specialist, or the South Dakota State University Experiment Station.

Upon failure to observe this notice, the Meade County Weed and Pest Board is required to proceed pursuant to the law and have the noxious weeds or declared pests destroyed by such methods as they may find necessary, the expense of which shall constitute a lien and be entered as a tax against the land and be collected as other real estate taxes are collected, or by other means as provided by law.

Plant and animals designated as being noxious weeds and declared pests in the state of South Dakota are Absinth Wormwood, Canada Thistle, Hoary Cress, Leafy Spurge, Perennial Sow Thistle, Purple Loosestrife, Salt Cedar, and Gypsy Moth.

In addition, Dalmatian toadflax and Spotted knapweed have been approved by the South Dakota Weed and Pest Control Commission as locally noxious weeds and are subject to the same suppression, control, and eradication requirements as the before mentioned plants and animals.

NOTICE IS HEREBY GIVEN that upon establishing probable cause to believe a noxious weed or declared pest infestation exists upon any property in Meade County, a representative of the Meade County Weed and Pest Control board will enter upon said property without interference or obstruction for the purpose of inspecting and confirming that such infestation exists. Should the inspection confirm an infestation, remedial action to effectively control said infestation will be required.

Published April 26 & May 3, 2023 at the approximate cost of \$45.49 and may be viewed free of charge at www.sdpublishnotices.com.

NOTICE OF SALE

IN CIRCUIT COURT
FOURTH JUDICIAL CIRCUIT
CIV: #46CIV21-000163-01_

STATE OF SOUTH DAKOTA

COUNTY OF MEADE

JAMES ARLO TODD,
Plaintiff,

vs.

RONALD DEAN HOWIE AND
RICHARD WAYNE KIEFFER
Defendants,

Pursuant to Execution issued to the Meade County Sheriff's Office in the above-entitled action dated the 27th day of December, 2022, the hereinafter described personal property will be sold to satisfy a Judgment obtained by the above-named Plaintiff against the above-named Defendants. The amount

of the Execution is \$1,039,743.48, plus the daily interest of \$284.86, (\$65,517.80 through date of sale) subject to changes in the prime interest rate, plus fees and costs.

1989 CHEVROLET PICK UP. VIN# 2GCGK39N6K1238144. LIC# 49T595

On the 25th day of May, 2023, at the hour of 10:00 a.m., at the Meade County Highway Department at 20623 131st Avenue in the County of Meade, the Meade County Sheriff's Office will proceed to sell for cash, all of the right, title, and interest of the above named Defendants in and to the above-described property.

The item will be available for inspection by appointment the day before the sale. The item will be sold as is with no warranty.

Dated at Sturgis, South Dakota, this 21st day of April 2023.

Pat West-Meade County Sheriff

By: Quinn Regan
Deputy Sheriff/Civil Division

Published April 26, May 3, 10, & 18, 2023 at the approximate cost of \$88.56 and may be viewed free of charge at www.sdpublishnotices.com.

NOTICE OF APPLICATION NO. 1762B-1 to Appropriate Water

Notice is given that Roch or Rita Bestgen, 20140 126th Pl, Whitewood SD 57793 has filed an application for a water permit to transfer acres authorized for irrigation by Water Right No. 1762A-1. Water Right No. 1762A-1 authorizes 1.93 cubic feet of water per second from four wells completed into the Inyan Kara Aquifer and three ponds located in the S 1/2 NW 1/4 Section 16 and SW 1/4 NE 1/4, SE 1/4 NW 1/4 Section 17 for irrigation of 135.2 acres located in the W 1/2 NW 1/4 Section 16, SE 1/4 NW 1/4, S 1/2 NE 1/4 Section 17; all in T6N-R5E. The applicant is proposing to transfer 10 acres located in the NW 1/4 SW 1/4 Section 16 and 5 acres located in the SW 1/4 NW 1/4 Section 16 to the SE 1/4 NW 1/4 Section 17; all in T6N-R5E. No increase in the diversion rate or number of acres is authorized by this application. This site is located approximately 4 miles north of Sturgis SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 1762B-1 with qualifications because 1) existing water rights will not be unlawfully impaired, 2) it is a beneficial use of water, and 3) it is in the public interest as it pertains to matters within the regulatory authority of the Water Management Board. The Chief Engineer's recommendation with qualifications, the application, and staff report are available at <https://danr.sd.gov/public> or contact Ron Duvall for this information, or other information, at the Water Rights Program address provided below.

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

Engineer. The petition form is available online at <https://danr.sd.gov/public> or by contacting the Chief Engineer. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501" or call (605) 773-3352. The applicant's mailing address is given above. If contesting the Chief Engineer's recommendation, the applicant shall also file a petition. A petition filed by either an interested person or the applicant must be filed by May 15, 2023.

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

Any interested person may file a comment on the application with the Chief Engineer. The comment shall be filed on a form provided by the Chief Engineer and is available online at <https://danr.sd.gov/public> or by calling (605) 773-3352 or writing the Chief Engineer at the address provided above. Filing a comment does not make the commenter a party of record or a participant in any hearing that may be held. Any comment must be filed by May 15, 2023.

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

Published May 3, 2023 at the approximate cost of \$39.46 and may be viewed free of charge at www.sdpublishnotices.com.

Meade County Commission Meeting (Tuesday, April 25, 2023)

Members present: Commissioners Creed, Seaman, Liggett, Deering

A. Call to Order at 9:00 AM

1. Pledge of Allegiance led by the Board of Commissioners.

2. Prayer led by Chairman Seaman

3. Approve the Agenda

Motion to approve agenda by Deering, second by Creed.

Final Resolution: Motion Carries. Vote Unanimous.

B. Routine Business

1. Opportunity for Public Comment

No public comment.

2. Auditor

Helen Hall Jensen, Auditor, gave the monthly report. Available on BoardDocs.

3. Register of Deeds

Available on BoardDocs.

4. Sheriff

Pat West, Sheriff, gave a monthly report, available on BoardDocs. Notes increase in calls for service compared to a year ago. Discussion was had on inmates and jail daily costs.

5. State's Attorney

Michelle Bordewyk, State Attorney, gave monthly report, available on BoardDocs.

6. Treasurer

Available on BoardDocs

C. Public Hearing 10am

1. Public Hearing for a New Proposed Cell Tower

Bill Rich presented the new proposed cell tower. The complete Application Package by KGI Wireless was submitted to staff in accordance with Ordinance 31 Communications Tower Ordinance. The public hearing with the Meade County

Commission to consider the approval of the Application Package was properly notified per Ordinance 31. Creed questioned location. Rich explained this will be west of Fox Ridge Road. Rick Adams was present to answer questions from the commission. Jon Jordan, Livestock producer, is in support of this new tower. Jordan questioned how they pay taxes on this. Rae Blakeman explained that this is Centrally assessed.

Motion to approve the new cell tower as proposed. Motion by Deering, second by Creed.

Final Resolution: Motion Carries. Vote Unanimous.

D. Highway

1. Magnesium Chloride - County Road Treatments

Troy Eastman, Highway Superintendent presented annual magnesium chloride treatment. The Highway Department requested approval of the list of roads to be treated with Mag Chloride for road stabilization provided on BoardDocs. In addition to these roads, Meade County has reached out to the public who desire to have sections of county roads receive treatment for dust abatement. Private landowners will have until May 4, 2023, to make arrangements for these services.

Motion to approve the list of County Roads to receive Mag Water treatments for 2023. Motion by Liggett, second by Creed.

Final Resolution: Motion Carries. Vote Unanimous.

2. Traffic Count Analysis

Available on BoardDocs.

3. Mechanic - New Position

Seaman addressed this new position request, inclined to outsource this year and to not add this position at this time. Liggett agreed with Seaman. Creed addressed assessing at budget time.

4. Base Stabilization of County Roads

Eastman presented base stabilization plan proposal for road improvement and future maintenance and longevity of the road conditions. Discussion was had on locations to use this plan.

Motion to move forward with a test portion with the Base Stabilization plan as presented. Motion by Liggett, second by Creed.

Final Resolution: Motion Carries. Vote Unanimous.

E. Sheriff

1. Amended Meade County Jail Professional Medical Services Agreement

Sheriff West presented the amended agreement. The Amended Meade County Jail Professional Medical Services Agreement asks for an additional flat fee of \$18,000 for ambulance transport from the Jail to the Sturgis Hospital. The cost for these services is approximately \$1000 per transport. These transports could occur up to 4 times or more per week.

Discussion was had on the situation and the contract.

Motion to authorize amending Meade County Jail Professional Medical Services Agreement for an additional \$13,000 to stay within our Budget. Motion by Liggett, second by Deering.

Final Resolution: Motion Carries. Vote Unanimous.

F. Commission

1. Communiqué to Commission

G. Consent Calendar

1. Motion to approve Consent Calendar

Motion to Approve Items on Consent Calendar. Motion by Liggett, second by Deering.

Final Resolution: Motion Carries. Vote Unanimous.

2. Meeting Minutes

Approve minutes for April 11, 2023

3. Preliminary Plat of Lot 1 and Lot 2 of Ranch Resonance

4. May Fuel Bid

5. Claims for Payment

A & J SUPPLY \$1,070.90; AUDRA HILL CONSULTING INC \$1,087.54;

BAUM HYDRAULICS CORPORATION \$209.25; BIMBO BAKERIES USA \$622.53; BREWSTER ENTERPRISE LLC \$55.49; BRUCH, MIKE \$62.24; BUBBLES LLC \$111.65; CARL'S TRAILER SALES INC \$476.34; CARLSON, JEAN \$190.00; CBH COOPERATIVE \$9,000.30; CBH COOPERATIVE \$1,980.01; COUNTY DRUG \$1,754.00; DAKOTA FLUID POWER INC \$140.27; DAKOTALAND AUTOGLASS \$250.00; DELL MARKETING L.P. \$2,428.00; DOUD COUNSELING LLC \$400.00; DUFFY LAW FIRM \$2,704.90; ENVIRONMENTAL PRODUCTS \$4,103.20; EXECUTIVE MANAGEMENT FINANCE OFFICE \$6.25; FAITH INDEPENDENT \$502.87; FASTANEL COMPANY \$129.86; GALLS INC \$136.77; GODFREY BRAKE SERVICE & SUPPLY INC \$584.27; GOLDEN WEST TELEPHONE \$300.00; GOULD'S LAWN & TREE SERVICE \$1,956.00; GRAND ELECTRIC COOP \$337.92; GREAT WESTERN TIRE \$969.12; GREENWALD, GAIL \$75.50; GUY, KENNETH \$91.82; H & H SEPTIC SERVICE \$375.00; HAMRE, LADONNA \$76.52; HOAR, DARRELL \$55.00; HOLLY, EMMA \$87.74; JACOBS AUTO REPAIR \$1,071.55; JOHNS & KOSEL ATTORNEYS AT LAW A PROF LLC \$898.59; JURGENS JANITORIAL SERVICE \$100.00; KIEFFER SANITATION INC \$206.48; KINNEY LAW PC \$833.97; LAR-JO'S \$633.35; LEXISNEXIS RISK SOLUTIONS \$302.36; MAKE IT HAPPEN COUNSELING, LLC \$1,200.00; MARCO \$1,002.85; MENARDS \$29.99; MID-STATES ORGANIZED \$150.00; MONGER, KARI \$54.08; MONTANA-DAKOTA UTILITIES \$1,993.13; MONUMENT HEALTH \$922.00; MRAZ, BLAINE M \$40.00; NATIONAL MEDICAL RESOURCES, INC \$3,030.00; NELSON LAW \$1,429.90; O'REILLY AUTO PARTS \$42.97; OWENS INTERSTATE SALES \$472.93; PENNINGTON COUNTY PUBLIC DEFENDER \$160.00; RAPID CITY JOURNAL \$316.65; RAPID CITY POLICE DEPARTMENT \$1,040.00; RDO EQUIPMENT CO \$2,063.93; RICHTERS TIRE & EXHAUST LLC \$183.44; ROLING, JAMES \$68.36; RUNNING SUPPLY, INC. \$109.97; RUSHMORE COMMUNICATIONS \$460.00; RUSHMORE OFFICE SUPPLIES \$83.00; SD ATTORNEY GENERAL'S OFFICE \$3,287.00; SD DEPT OF TRANSPORT \$6,974.32; SDACO \$600.00; SHERWIN-WILLIAMS \$596.00; STEINLEY REAL ESTATE APPRAISALS \$9,750.00; STERN OIL COMPANY INC \$708.27; STURGIS ACE HARDWARE \$57.14; STURGIS NAPA \$96.29; STURGIS RESPONDER SUPPLY, LLC \$214.92; TRANSOURCE TRUCK & EQUIPMENT INC \$3,855.63; TRUENORTH STEEL \$1,734.00; US FOODS, INC \$2,362.03; VERMEER HIGH PLAINS \$847.03; WAECKERLE LAW, PROF. LLC \$2,077.90; WESTERN SD JUVENILE SERVICES CENTER \$13,500.00; WILD WEST SCREEN PRINTING & EMBROIDERY \$187.86;

6. Veteran's Exemption

7. Update to Volunteers for Fire & Ambulance - Workers' Comp

8. Personnel Actions

H. Executive Session

1. Executive Session - 1-25-2

Motion to go into executive session.

Motion by Creed, second by Liggett.

Final Resolution: Motion Carries.

Vote Unanimous.

Motion to leave executive session.

Motion by Liggett, second by Creed.

Final Resolution: Motion Carries.

Vote Unanimous.

2. Interview Civil Engineer

3. Auditor Office Personnel

I. Adjourn

1. Adjourn the Meeting

Seaman Ended meeting at 2:00pm

Published May 03, 2023 at the approximate cost of \$83.35 and may be viewed free of charge at www.sdpublishnotices.com.

Affidavit of Publication

STATE OF SOUTH DAKOTA:

COUNTY OF LAWRENCE:

Letitia Lister of said County and State being first duly sworn, on her oath says: That the BLACK HILLS PIONEER is a legal daily newspaper of general circulation, printed and published in the City of Spearfish, in said County and State by Letitia Lister, and has been such a newspaper during the times hereinafter mentioned; and that said newspaper has a bonafide circulation of at least 200 copies weekly, and has been published within said County in the English language for at least one year prior to the first publication of the notice herein mentioned, and is printed in whole or in part in an office maintained at the place of publication; and that I, Letitia Lister, the undersigned, am the Publisher of said newspaper and have personal knowledge of all the facts stated in this affidavit; and that the advertisement headed:

Notice of Application
No. 1762B-1

a printed copy of which is hereto attached, was printed and published in said newspaper for 1 successive and consecutive weeks, the first publication being made on the 3rd day of May, 2023, and the last publication on the _____ day of _____, that the full amount of fees charged for publishing same, to-wit: The sum of \$ 42.22, insures solely to the benefit of the publisher of the BLACK HILLS PIONEER, that no agreement or understanding for a division thereof has been made with any person and that no part thereof has been agreed to be paid to any other person whomsoever.

[Signature]
Subscribed and sworn to before me this 8th day of May, 2023

[Signature]

Notary Public, Lawrence County, South Dakota
My commission expires: 7-18-2025

RECEIVED

MAY 11 2023

OFFICE OF
WATER

**NOTICE OF
APPLICATION
NO. 1762B-1 to
Appropriate Water**

Notice is given that Roch or Rita Bestgen, 20140 126th Pl, White-wood SD 57793 has filed an application for a water permit to transfer acres authorized for irrigation by Water Right No. 1762A-1. Water Right No. 1762A-1 authorizes 1.93 cubic feet of water per second from four wells completed into the Inyan Kara Aquifer and three ponds located in the S 1/2 NW 1/4 Section 16 and SW 1/4 NE 1/4, SE 1/4 NW 1/4 Section 17 for irrigation of 135.2 acres located in the W 1/2 NW 1/4 Section 16, SE 1/4 NW 1/4, S 1/2 NE 1/4 Section 17; all in T6N-R5E. The applicant is proposing to transfer 10 acres located in the NW 1/4 SW 1/4 Section 16 and 5 acres located in the SW 1/4 NW 1/4 Section 16 to the SE 1/4 NW 1/4 Section 17; all in T6N-R5E. No increase in the diversion rate or number of acres is authorized by this application. This site is located approximately 4 miles north of Sturgis SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 1762B-1 with qualifications because 1) existing water rights will not be unlawfully impaired, 2) it is a beneficial use of water, and 3) it is in the public interest as it pertains to matters within the regulatory authority of the Water Management Board. The Chief Engineer's recommendation with qualifications, the application, and staff report are available at <https://danr.sd.gov/public> or contact Ron Duvall for this information, or other information, at the Water Rights Program address provided below.

Any person interested in opposing this application or recommendation shall allege that the application, upon approval, will cause injury to the person that is unique from any injury suffered by the public in general. The injury must concern a matter either within the regulatory authority found in SDCL 46-2A-9 for approval or denial of the application, or other matter concerning the application within the

regulatory authority of the board to act upon as defined by SDCL 46-2-9 and 46-2-11, or both. Any person meeting the petitioner requirements and wishing to be a party of record in a contested case hearing shall file a written petition to oppose the application with BOTH the applicant and Chief Engineer. A petition opposing the application shall be filed on a form provided by the Chief Engineer. The petition form is available online at <https://danr.sd.gov/public> or by contacting the Chief Engineer. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501" or call (605) 773-3352. The applicant's mailing address is given above. If contesting the Chief Engineer's recommendation, the applicant shall also file a petition. A petition filed by either an interested person or the applicant must be filed by May 15, 2023.

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

Any interested person may file a comment on the application with the Chief Engineer. The comment shall be filed on a form provided by the Chief Engineer and is available online at <https://danr.sd.gov/public> or by calling (605) 773-3352 or writing the Chief Engineer at the address provided above. Filing a comment does not make the commenter a party of record or a participant in any hearing that may be held. Any comment must be filed by May

15, 2023.

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

Published once at the total approximate cost of \$43.18 and can be viewed free of charge at www.sd-publicnotices.com.

**#309
May 3**

Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Monday, April 24, 2023 10:50 AM
To: sodmama14@gmail.com
Subject: 1762B-1 Roch and Rita Bestgen - Public Notice
Attachments: 1762B-1_rec.pdf; 1762B-1 APPL2.docx; 1762B-1 public.short_final.docx

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

Thank you,

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





**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

JUN 20 2023

Roch and Rita Bestgen
20140 126th Pl
Whitewood SD 57793

Dear Roch and Rita:

Enclosed is Water Permit No. 1762B-1 authorizing construction of the water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

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

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

Sincerely,

Eric Gronlund, Chief Engineer
Water Rights Program
(605) 773-3352

enclosures



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

**Affidavit of Public Notice
on DANR Website**

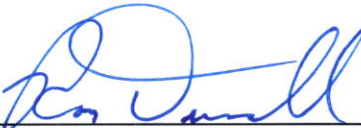
Pursuant to SDCL § 46-2A-4, public notice of the following application was posted on the DANR web site at <https://danr.sd.gov/public>. The posted public notice is the same notice as published in the pertinent newspaper(s) and a copy of the public notice is maintained in the application file. If the 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.: 1762B-1

Name of Applicant: Roch or Rita Bestgen

Date of Posting: 5/4/2023

Date of Removal: 6/20/2023



Ron Duvall, Water Rights Permitting Administrator

6/23/23

Date

Subscribed and sworn to before me, a notary public, this 23rd day of June, 2023.



Notary Public - South Dakota
My commission expires: 5/16/2029



(SEAL)