

FUTURE USE WATER PERMIT NO. 1995-1

Name of Applicant: **Black Hawk Water User District**

Address: **PO Box 476, Black Hawk SD 57718**

Phone: **605 391-5750**

Amount of Water Claimed: **1,300 AF**

Total Acres: **NA**

Source of Water Supply: **Madison Aquifer**

Water to be used for: **rural water system**

County: **Meade**

Type of Waste Disposal System:

Location: **north west of Black Hawk**

PRIORITY

Date Received: **4-16-20**

Application/License Fee: **\$ 165.00**

Corrected Application Received:

Period of Annual Use:

Remarks: **Future Use Reservation**

Future Use area: **Sec 26, 27, 31, 32, 33, 34, 35 in**

T3N-R7E Sec 2, 3, 4, 5, 6, 9, 10, 11 in T2N-R7E

Land to be Irrigated: **AN**

Depth of Well:

Well Driller:

Remarks:

Type of Map: **topo**

Prepared by:

Reviewed and the Number Assigned on: **4-16-20**

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____

**SOUTH DAKOTA
FUTURE USE PERMIT NO. 1995-1**

Date of first receipt of application April 15, 2020.

The Chief Engineer, on behalf of the Water Management Board, issues Future Use Permit No. 1995-1 to Black Hawk Water User District, PO Box 476, Black Hawk SD 57718 subject to the following limitations, conditions and qualifications:

1. Future Use Permit No. 1995-1 reserves 1,300 acre-feet of water annually from the Madison Aquifer. The area to be reserved for future use includes all Sections 26, 27, 31, 32, 33, 34, 35; in T3N-R7E and all of Sections 2, 3, 4, 5, 6, 9, 10, 11; all in T2N-R7E. This permit does not authorize construction of works or application of water to beneficial use.
2. The water appropriated shall be used for the purpose of providing future supplies for the district serving users in Meade County and may not exceed the amount of water needed for beneficial use.
3. The water is to be used during the following described annual period: January 1 – December 31.
4. The date of approval of Permit No. 1995-1 is July 13, 2020.
5. The date from which applicant may claim right is April 15, 2020.
6. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

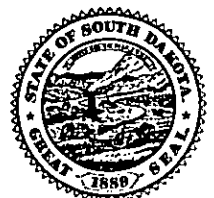
QUALIFICATIONS

1. Future Use Permit No. 1995-1 reserves 1,300 acre feet of water annually from the Madison aquifer.
2. That Future Use Permit No. 1995-1 is approved with the stipulation that this Permit is subject to review by the Water Management Board as to accomplishment 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 prior to construction of facilities pursuant to SDCL 46-5-38.1.

WATER MANAGEMENT BOARD

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

JUL 27 2020
date



PAID

APR 16 2020

Ck# 60066

RECEIVED

APR 15 2020

WATER RIGHTS
PROGRAM

Mail to: DENR - Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. <u>1995-1</u> (office use only)	Hydrologic Unit <u>10120111</u>
	Basin <u>Upper Cheyenne</u>	
	Newspaper <u>Faith Independent</u>	
	<u>Rapid City Journal</u>	

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

Check use(s) of water:

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

Type of Application:
(check one)

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

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

1. Name to Appear on Water Permit Black Hawk Water User District

Mailing Address PO Box 476 Black Hawk SD 57718
(Address) (City) (State) (Zip Code)

Phone (605) 787-5777 Mobile (605) 391-5750 Email office@bhwd.com

2. Amount of water claimed _____ *CFS or _____ **GPM and 1,300 ***AF or _____ Gallons
Flow rate and volume are both required. (*Cubic Feet per Second) (**Gallons per Minute) (***Acre Feet - storage capacity of dam/dugout or annual use)

3. Source of water supply Groundwater from the Madison Aquifer

4. Location of point of diversion 8 sections in T2N, R7E, 7 sections in T3N, R7E (see map) County Meade
(example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)

If not a public water supply (e.g. municipal), will water be used outside of the area described above? ☐ Yes ☐ No

If "Yes," where will water be used? _____

(example - NW1/4 section 12-T104N-R53W)

5. County or counties where water will be used Meade

6. Annual period during which water is to be used January 1 to December 31

7. Give a description of the project. When available include any preliminary engineering report or other reports or information that will help explain the project. (Attach sheet if more space is needed)

The purpose of this application is to reserve groundwater for beneficial use as a potable water supply to meet increased demand due to population growth.

I, Ken LeBon Manager, 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.

Supplemental Information

(type or print)

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

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

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

For either Existing or Proposed Wells:

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

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

2. Wastewater Disposal System Information

a) Type of System (i.e. septic tank, drain field) _____

b) System Capacity (gallons) _____ Year Constructed _____

c) Connected to the City of _____ Sanitary System

3. Dugout Information

a) Surface Dimensions _____ Depth _____

b) Depth to water (ground surface to water level) _____

4. Water Storage Dams

If the proposed water use system contains one or more storage dams, please furnish the information requested below for each dam. The locations of the dams need to be shown on the map submitted with the application.

a) If a private engineering firm or government agency was involved in the design of this dam, please give their name and address:

b) Freeboard _____

c) Crest Width _____

Crest Length _____

d) Height _____

e) Primary Outlet Capacity _____

If pipe, diameter _____

f) Secondary Spillway Capacity _____

Spillway Width _____

g) X & Y Slope (e.g. 3 to 1 is a typical slope)

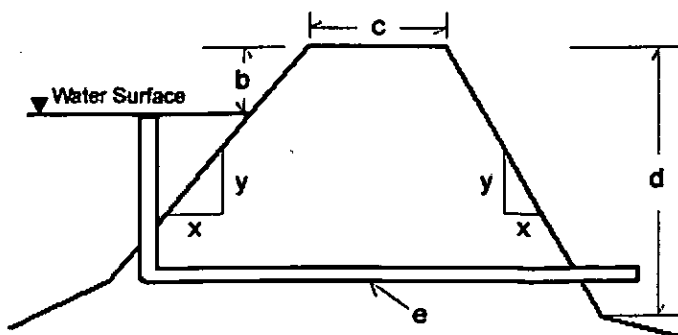
Upstream _____

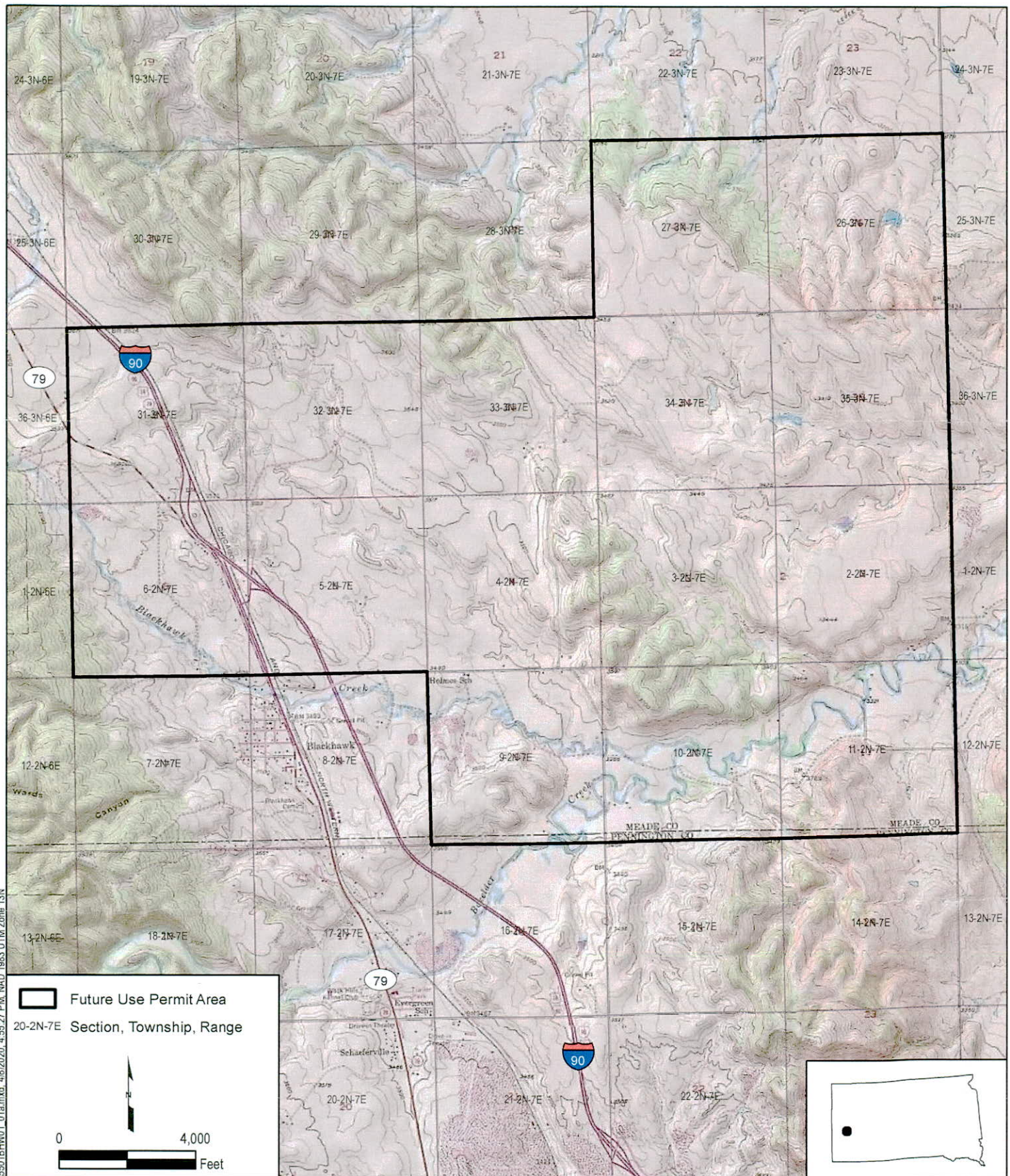
Downstream _____

h) Surface Area of Impoundment _____

i) Storage _____ Acre Feet

j) Drainage Area Above Dam _____ Acres





Service Layer Credits: Copyright:(c) 2014 Esri
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Prepared By:
LRE Water
Innovative Water Resource Solutions
South Dakota Office
Sioux Falls, South Dakota
(605) 310-1721

BLACK HAWK WATER USER DISTRICT
FUTURE USE PERMIT APPLICATION ASSISTANCE
BLACKHAWK, SOUTH DAKOTA

FUTURE USE PERMIT AREA

FILE: 5501BHW01 01a.MXD

DATE: 4/8/2020

FIGURE: 1

RECEIPT

WATER RIGHTS PROGRAM South Dakota Department of Environment and Natural Resources

Date April 16, 2020

RECEIVED OF Black Hawk Water User District PO Box 476 Black Hawk SD 57718

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. <u>1995-1</u> to Appropriate Water for Future use	\$165.00
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 _____	\$
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	\$165.00

By Eric Gronlund
Chief Engineer

VMK



BLACK HAWK WATER USER DISTRICT
5513 OAK STREET
PO BOX 476
BLACK HAWK, SD 57718

Serving Black Hawk since 1949

Phone 605-787-5777
Email: office@bhwud.com

RECEIVED

APR 15 2020

WATER RIGHTS
PROGRAM

April 9, 2020

Ron Duvall
DENR - Water Rights Program
523 E. Capitol Avenue
Pierre, SD 57501-3182

RE: Future Use Permit
Application Black Hawk
Water User District Black
Hawk, SD

Dear Mr. Duvall:

Enclosed is a future use permit application from Black Hawk Water User District (BHWUD). The future use permit area includes Sections 2, 3, 4, 5, 6, 9, 10 and 11 in Township 2 North, Range 7 East, and Sections 26, 27, 31, 32, 33, 34, and 35 in Township 3 North, Range 7 East. BHWUD's master plan includes potential well sites, storage tank sites, and distribution piping in these areas.

Enclosed is a check, in the amount of \$165, for the filing fee.

If you have any questions regarding the future use permit application, please contact Mitch Kannenberg at LRE Water. Mitch's telephone number is 605-310-1721 and his email is mitch.kannenberg@lrewater.com.

You can also contact me at (605) 787-5777, or email me at

office@bhwud.com Thank you.

Ken LeBon
Manager

MWK/kl

Enclosures:

Future Use Permit Application with accompanying map (Figure 1. Future Use Permit Area) Check in the amount of \$165 for filing fee



DENR
SOUTH DAKOTA

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov

**RECOMMENDATION OF CHIEF ENGINEER FOR FUTURE USE WATER PERMIT
APPLICATION NO. 1995-1, Black Hawk Water User District**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Future Use Water Permit Application No. 1995-1, Black Hawk Water User District, c/o Ken LeBon, Manager, PO Box 476, Black Hawk SD 57718.

The Chief Engineer is recommending APPROVAL of Application No. 1995-1 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the Black Hawk Water User District has demonstrated a reasonable need for the water reserved, 3) the proposed use is a beneficial use and 4) it is in the public interest with the following qualifications:

1. Future Use Permit No. 1995-1 reserves 1,300 acre feet of water annually from the Madison aquifer.
2. Future Use Permit No. 1995-1 is approved with the stipulation that this Permit is subject to review every seven (7) years by the Water Management Board to determine if the permit holder can demonstrate a reasonable need for the permit. This Permit shall be subject to cancellation if the Water Management Board determines that the permit 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 prior to construction of facilities pursuant to SDCL 46-5-38.1.

See report on application for additional information.

Eric Gronlund, Chief Engineer
June 22, 2020

**Report to the Chief Engineer on
Future Use Permit Application No. 1995-1**

Black Hawk Water User District
2 June 2020

Future Use Permit Application No. 1995-1 proposes to reserve 1,300 acre-feet of water annually for future use from the Madison aquifer in Sections 26, 27, 31, 32, 33, 34, and 35 in T3N-R7E and Sections 2, 3, 4, 5, 6, 9, 10, and 11 in T2N-R7E. This area is located over portions of Black Hawk, is approximately 0.3 miles north of Rapid City, and is adjacent to the east edge of Summerset, South Dakota.

Aquifer: Madison (MDSN)

Hydrogeologic characteristics

The Madison Group is a group of formations deposited during the late Devonian and early-to-middle Mississippian geologic periods (1). In the Black Hills, the two formations in the Madison Group are known as the Englewood Limestone, which lies below, and the Pahasapa Limestone, which lies above (1). The Madison Group extends over 19,115,560 acres in South Dakota west of the Missouri River (2). The Madison Group also extends into eastern South Dakota, Nebraska, Wyoming, Montana, and North Dakota (3). The Madison aquifer consists of the saturated portions of the Madison Group that are permeable enough to deliver water at a rate that is useful to domestic and appropriative water users. Water in the Madison aquifer flows mostly via secondary porosity features such as fractures and solution cavities (4). The transmissivity of the Madison aquifer can range significantly, and transmissivity of the aquifer is highly uneven from one place to the next (5). The Madison aquifer is generally under confined conditions, although near the area of its outcrop in the Black Hills, it is under unconfined conditions (6) (5). The future use area defined for this application will be under confined conditions, although the aquifer transitions to unconfined conditions approximately 2 miles west of the future use area for this application (5).

The applicant did not submit a well or test hole completion report with their application, but between the well completion reports already on file with the Water Rights Program (7), observation well data (6), and geologic structure and potentiometric surface maps available (8), sufficient geological information is available in the area of this application to analyze the requirements for this report.

Applicable South Dakota Codified Law (SDCL)

Pursuant to SDCL 46-2A-9, a permit to appropriate water may be issued only if there is reasonable probability unappropriated water is available for the application, that the proposed diversion can be developed without unlawful impairment of existing rights, and that the proposed use is a beneficial use and in the public interest. This report will analyze the availability of unappropriated water and possibility of developing the application without unlawful impairment of existing rights, only.

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 water to the groundwater source. An exception allows water distribution systems proposing to withdraw from a formation that is older than or stratigraphically lower than the Greenhorn Formation to be granted a permit even if it is probable that average annual withdrawals from that formation will exceed average annual recharge. The proposed source of water is older and stratigraphically lower than the Greenhorn Formation and the proposed use is a water distribution system as defined by SDCL 46-1-6(17), so it is not necessary for a hydrologic budget to find recharge exceeds or meets withdrawals from the Madison aquifer. However, hydrologic budgets will be included in this analysis for the Chief Engineer's and Water Management Board's information.

Pursuant to SDCL 46-5-38 an entity that may reserve water for future use must show future need for the water, and unappropriated water must be available for that application pursuant to SDCL 46-2A-9. The Black Hawk Water User District is an entity that may reserve water for future use pursuant to SDCL 46-5-38(4).

Hydrologic budgets

Since this application is somewhat near the outcrop of the Madison Group, it is possible to withdraw too much water from a small area while the statewide hydrologic budget remains balanced and there is a groundwater flow divide in the Madison aquifer in the Black Hills (9). Therefore, it is appropriate to analyze the hydrologic budget of the Madison aquifer in general for South Dakota and to analyze the hydrologic budgets available for the local area.

Statewide hydrologic budget

Statewide recharge

Recharge to the Madison aquifer in South Dakota is mainly by infiltration from streamflow and precipitation over the outcrop of the aquifer (4). Some recharge may also be from groundwater flow from the Deadwood aquifer (5). Several reports available contain estimates of recharge to the Madison aquifer. Rahn and Gries (10) measured discharge from large springs flowing from the Paleozoic aquifers and found an average discharge rate of approximately 140,000 acre-feet per year. Woodward-Clyde Consultants (11) used precipitation and other hydrologic data to estimate an upper bound to the recharge rate of the Madison aquifer to be 400,000 ac-ft/yr (out of approximately 509,000 ac-ft/yr of precipitation) and assumed the Rahn and Gries (10) estimate of spring discharge was an adequate lower boundary for the recharge rate. The Water Rights Program had cited the estimates by Rahn and Gries (10) and Woodward-Clyde Consultants (11) in previous studies, but newer research is available. Carter et al. (4) used detailed precipitation and streamflow data to estimate an average annual recharge rate to the Madison and Minnelusa aquifers to be 249,260 ac-ft/yr and estimated approximately 55% of that recharge goes to the Madison aquifer. Therefore, the best available estimate of recharge to the Madison aquifer is 137,093 ac-ft/yr. This estimate is near the low end of the boundaries posited by previous reports, but it is based on more years of streamflow data, higher-resolution precipitation data, and more accurate assumptions about precipitation infiltration.

Statewide discharge

Natural discharge from the Madison aquifer is by evapotranspiration from the outcrop when the hydraulic head of the aquifer is near land surface at the outcrop, flow to springs and seeps, and groundwater flow to aquifers that are hydrologically connected when the hydraulic head of the Madison aquifer is higher than the hydraulic head of the hydrologically connected aquifers (9). When natural discharge occurs, the Water Management Board has generally considered it available for appropriation. Withdrawals are by domestic and appropriative wells. Carter et al. (9) estimated domestic use was less than 2% of all withdrawals for their period of study. Given that small percentage, domestic use is negligible for this hydrologic budget. There are 152 active water rights/permits authorizing withdrawals from the Madison aquifer and 9 future use permits (Table 1) reserving 12,809 ac-ft/yr from the Madison aquifer (12).

Table 1: Future use permits reserving water from the Madison aquifer (12)

Permit No:	Name/Business:	County:	Use	Priority Date:	Amount Reserved (ac-ft/yr)	Comments
369-1	City of Belle Fourche	LA	MUN	12/10/1958	620	
2086-2	City of Rapid City	PE	MUN	05/18/1989	4,075	
439-2	City of Rapid City	PE	MUN	09/22/1956	3,367	
1872-1	City of Spearfish	LA	MUN	11/13/2006	2,704	
2560-2	Fall River Water Users District	FR	RWS	05/16/2005	358	
2560A-2	Fall River Water Users District	FR	RWS	05/16/2005	0	Additional area
2560B-2	Fall River Water Users District	FR	RWS	05/16/2005	0	Additional area
2580-2	Southern Black Hills Water System	FR	RWS	03/02/2006	1,474	
1833-2	Weston Heights Home Owners	MD	RWS	02/18/1983	211	
Total					12,809	
LA – Lawrence, FR – Fall River, MD – Meade, PE – Pennington						
MUN – Municipal, RWS – Rural Water System						

In addition to approved water rights/permits and future use permits, three other applications are pending approval. Water Permit Application No. 2585-2 for the Southern Black Hills Water System proposes to appropriate 1,600 ac-ft/yr from the Madison aquifer, and is deferred until its potential impacts to cave pools in Wind Cave National Park and to Beaver Creek are assessed (12). Water Permit Application No. 2685-2 for Powertech (USA) Inc. proposes to appropriate 888.8 ac-ft/yr from the Madison aquifer, and is held in abeyance until other permitting processes are completed (13). Water Permit Application No. 1994-1 seeks to appropriate 107.4 ac-ft/yr from the Madison aquifer and is currently undergoing the typical application process. If that permit is approved, its priority date would be senior to this application.

Of the 152 active water rights/permits, 32 include irrigation as an authorized use in their permit (12). Some of those 32 include multiple uses (12). Most irrigation water rights/permits are required to report their withdrawals each year, although a few are not due to their irrigation method (12). Irrigation questionnaire summaries available for the period of record (1982-2019) indicate that average irrigation withdrawal reported for the Madison aquifer is 815 ac-ft/yr (14). However, the summaries do not account for appropriations by irrigation water rights/permits that are not required to report and those that are too new to have fully developed their permits, nor do they require permit users to report their non-irrigation use. Following the method used by Kilts (15), irrigation questionnaires for each of the active water rights/permits withdrawing from the Madison aquifer were analyzed as shown in Table 2. Irrigation water rights/permits that are not

required to report their withdrawals or that have reported their withdrawals for 10 years or less are assumed to withdraw 2 ac-ft/acre licensed/permitted. Three irrigation water rights licensed to withdraw from the Madison aquifer have reported no withdrawal for more than 10 years (14). They are assumed to withdraw no water on average. If, in the future, they did withdraw water, their average annual withdrawal would still be low given the number of years they withdrew no water. Permits that allow multiple uses other than irrigation are conservatively assumed to withdraw at their maximum diversion rate 60% of the time. Water Right No. 1885-1 is assumed to withdraw at its maximum diversion rate 100% of the time because the sum of its estimated withdrawal for irrigation and estimated non-irrigation use is greater than is physically possible at the licensed diversion rate. The total estimated average annual withdrawal from the Madison aquifer by permits allowing irrigation, other than the four permits described in the following paragraph, is 8,577 ac-ft/yr (Table 2).

Water Right/Permit Nos. 1096-1, 1096A-1, 1496-1, and 1670-1 are all authorized to withdraw from one well located in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 20 and a dam located in NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 29; all in T9N-R3E (12). Water Right Nos. 1096-1, 1096A-1, 1670-1 authorize diversion of water for irrigation use and Water Right No. 1096A-1, and Water Permit Nos. 1496-1 authorize diversion of water for rural water system use and allow withdrawal year-round for rural water system use (12). Documentation in the administrative file for Water Right No. 1670-1 indicates the well was not valved such that it could be shut off when flow was not being put to the beneficial use allowed by the four water rights/permits above. A letter dated September 9, 1998, submitted as part of the public comments prior to approval of Water Right No. 1670-1, indicated that when water is not used for the uses listed in the four water rights/permits above (irrigation or rural water system use), the water is used for fish and wildlife propagation. The person writing that letter indicated they would prefer the Water Management Board not to order the well to be shut off when not used for irrigation or rural water system withdrawals (12). It is likely the well continues to flow uncontrolled, so at the flow rate listed in Water Right No. 1096A-1 of 1.33 cfs, that well withdraws approximately 964 ac-ft/yr from the Madison aquifer for those four water rights/permits.

While Water Right No. 1650-1 does not require the water right holder to report annual withdrawals and is allocated no acreage, it provides supplemental water supply from a flowing well for Water Right No. 1231-1 (12). Water Right No. 1231-1 permits a 110 ac-ft dam to provide water for commercial livestock and irrigation of 134 acres (12). Water Right No. 1650-1 allows for direct irrigation from a Madison aquifer well of up to 2 acre-feet per acre for the land permitted by Water Right No. 1231-1 (12). Kilts (15) estimated Water Right No. 1650-1 withdraws 55.9 ac-ft/yr on an average based on irrigation reported for Water Right No. 1231-1.

Water rights/permits that are limited to an annual volume withdrawal less than if they diverted water continuously are assumed to withdraw their full volume limit and will be referred to as "volume-limited" from this point onward. The 28 volume-limited water rights/permits withdrawing from the Madison aquifer appropriate 20,172 ac-ft/yr (12). There are 91 water rights/permits withdrawing from the Madison aquifer that are limited only by maximum instantaneous diversion rate (12). They are conservatively assumed to withdraw at their full diversion rate 60% of the time, which accounts for 17,637 ac-ft/yr (12).

Report on Water Permit Application No. 1995-1

Table 2: Irrigation reported/estimated and non-irrigation use estimated for water rights/permits with irrigation as one beneficial use (12) (14).

Permit No.	Name/Business	Priority	Diversion rate (cfs)	Acres Licensed/ Permitted	Average Report (ac-ft/yr)	No. of Years of Irrigation Reports	Est. Avg. Irrigation (ac-ft/yr)	Est. Non-irr. Use (ac-ft/yr)	Total Est. Withdrawal (ac-ft/yr)
2773-2	Arrowhead Country Club	07/27/2017	1.11	100	0	2	200.0	0	200.0
1096-1	Bar Bar V Livestock LLC	04/16/1976	1.88	216.00	65.3	29	*	*	*
1670-1		06/09/1998	3.61	253.00	51.7	22	*	*	*
1635-1	Black Hills Nat'l Cemetery	04/02/1990	0.82	54.50	96.4	24	96.4	356	452.8
1452-1	Black Hills State College	12/19/1988	3.33	25.44	17.9	31	17.9	1447	1465.4
1096A-1	Butte Meade Sanitary Dist	04/16/1976	1.33	0.00	Does not report		*	*	*
2458-2	City of Rapid City	03/30/2001	0.8	107.00	104.7	19	104.7	0	104.7
2313-2	Coca-Cola Bottling	04/08/1994	0.33	3.00	7.4	25	7.4	143	150.9
1899-1	Davis Ranches Inc	08/25/2008	1.43	100.00	0.0	11	0.0	0	0.0
2673-2	Diocese of Rapid City	05/27/2011	0.12	7.00	8.8	7	14.0	0	14.0
1009-1	Donald F/Ann J Brady	02/01/1974	0.78	53.73	31.6	38	31.6	0	31.6
1185-1		01/18/1979	0.38	22.52	107.0	38	107.0	***	107.0
2286-2	Donald Konechne	04/28/1993	0.1	38.50	10.9	26	10.9	0	10.9
1707A-1	Elkhorn Ridge @ Frawley Ranches LLC	01/06/2000	3.705	100.00	Does not report		200.0	1610	1810.5
1707E-1		01/06/2000	0	0.00	2.3	13	**	**	**
1931-1		08/17/2012	0.17	3.30	3.2	7	6.6	74	80.5
1650-1	Foothill Land & Cattle LLC	04/03/1997	0.89	0.00	Does not report		*	*	*
1945-1	Frawley Ranches LLC	02/10/2014	1.11	265.00	45.7	6	530.0	0	530.0
1858-1	Glencoe Camp Resort II LLC	03/08/2006	0.86	34.00	0.0	14	0.0	374	373.8
2593-2	Hart Ranch Development	06/15/2006	0.49	72.50	14.0	13	14.0	213	226.9
1911-2	Hart Ranch Development Co	09/27/1984	0.88	124.00	124.6	26	124.6	383	507.1
1725-2	Janice R Crowser	08/20/1980	1.07	75.10	1.1	21	1.1	0	1.1
1923-1	Jim Montieith	02/15/2011	0.11	3.00	1.1	8	6.0	48	53.8
858-2	John & Heidi McBride	02/05/1965	9.36	655.75	7.1	36	7.1	0	7.1
1885-1	John T & Veronica Widdoss	04/09/2007	0.11	22.00	15.2	3	44.0	36	79.7
1223-1	Montana Dakota Land LLC	03/10/1981	0.67	263.00	205.6	38	205.6	0	205.6
1960-1	One Diamond Inc	04/11/2016	1.28	150.00	123.8	4	300.0	556	856.4
1363-1	Spearfish Canyon Cntry Cl	09/15/1986	0.9	80.10	60.7	33	60.7	0	60.7
2106-2	Stuart Rice	06/06/1990	0.08	2.80	0.9	27	0.9	35	35.7
1842-1	Tom C Davis	04/05/2005	0.44	330.00	0.0	15	0.0	0	0.0
2741-2	Tubbs Land & Cattle LLC	08/20/2018	3.34	567.00	0.0	1	1,134.0	0	1134.0
419-2	Wind Cave National Park	12/29/1955	0.15	6.00	Does not report		12.0	65	77.2

* Discussed in text

** Water Permit No. 1707E-1 is an extension of time to place Water Permit No. 1707A-1 to beneficial use

*** Reports all use types in irrigation report

Balance of statewide hydrologic budget

The best available estimate of recharge to the Madison aquifer in South Dakota is 137,093 ac-ft/yr (4). Appropriations from the Madison aquifer are summarized in Table 3. This application seeks to reserve 1,300 ac-ft/yr. The total of all appropriations that do or could withdraw from the Madison aquifer in South Dakota, including this application, is estimated to be 64,110 ac-ft/yr. Therefore, based on the statewide hydrologic budget, there is reasonable probability unappropriated water is available for this application.

Report on Water Permit Application No. 1995-1

Table 3: Summary of withdrawals discussed in the Statewide Discharge section, rounded to the nearest 1 ac-ft/yr.

Withdrawal type:	Amount (ac-ft/yr)
Future Use	12,809
Water Permit Application No. 2585-2	1,600
Water Permit Application No. 2685-2	889
Water Permit Application No. 1994-1	107
Future Use Permit Application No. 1995-1 (this application)	1,300
Water Right/Permit Nos. 1096-1, 1096A-1, 1496-1, and 1670-1	964
Water Right No. 1650-1	56
Other Irrigation	8,577
Annual Volume Limit	20,172
Diversion Rate Limit	17,637
Total Withdrawals	64,110

Local hydrologic budgets

Two reports on local hydrologic budgets in the Madison aquifer are available and have different study area boundaries (9) (5). Figure 1 shows the study area boundaries in relation to this application and the outcrop of the Madison Group (9) (5) (16). Both studies are included in this report because they have different boundaries and have similar-quality methods to arrive at their conclusions.

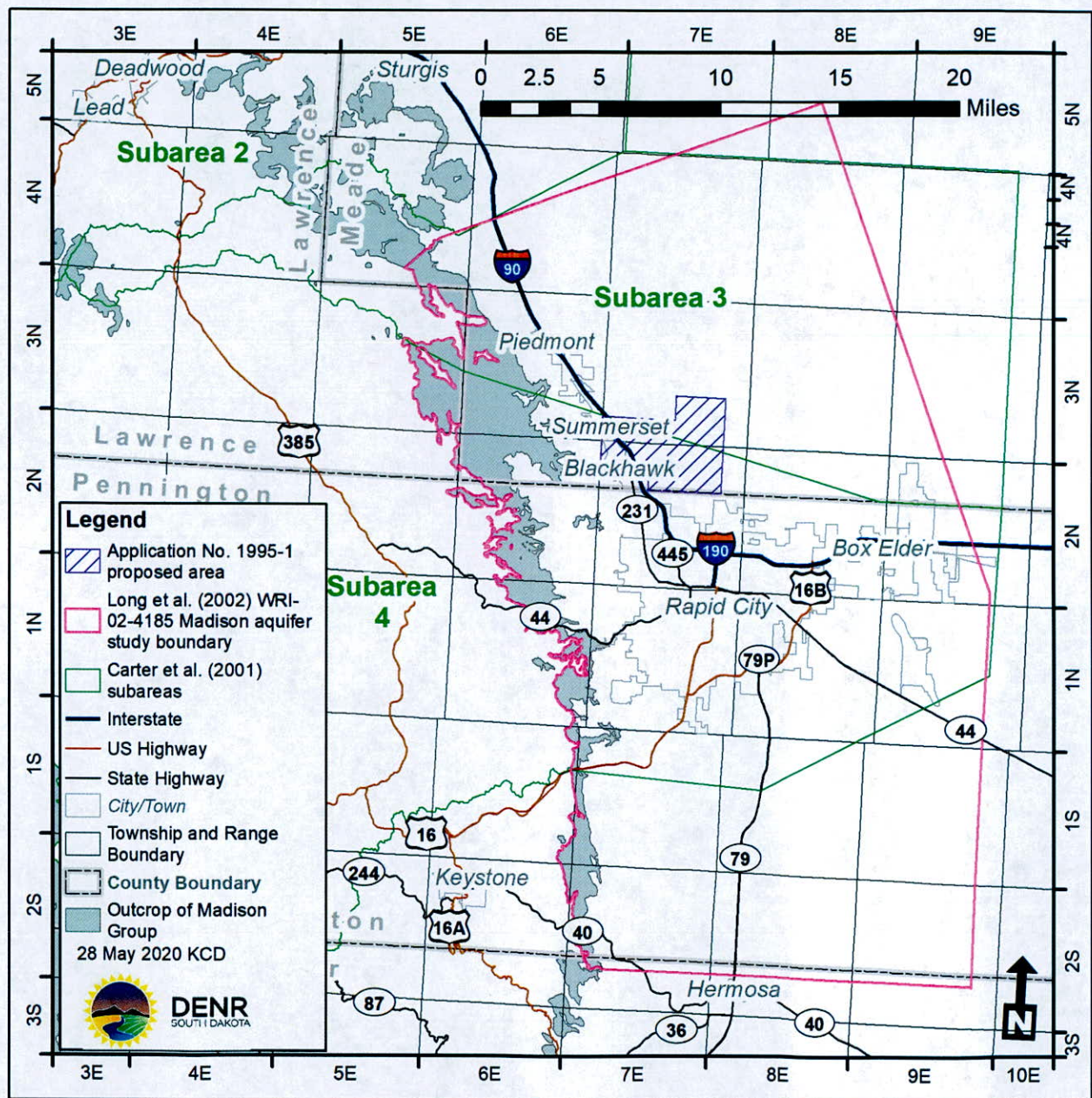


Figure 1: Study boundaries for local Madison aquifer hydrologic budgets (9) (5) (16)

Carter et al. (9)

Carter et al. (9) analyzed the hydrologic budgets of the Madison and Minnelusa aquifers in the Black Hills region for water years 1987 to 1996. They divided the region into nine subareas with the intent to minimize groundwater flow across subarea boundaries and balanced inflows to outflows and withdrawals with the assumption that there was no change in storage in the aquifer over the period of record. The proposed area for this application is in Subareas 3 and 4 (9). It is possible for this application to be placed to beneficial use completely in either subarea alone, so for both hydrologic budgets of each subarea it is assumed this application will withdraw completely from that subarea. Table 4 shows the average hydrologic budget for Subareas 3 and 4

Report on Water Permit Application No. 1995-1

for water years 1987 to 1996 both in the units they used (cubic feet per second) and in ac-ft/yr (9). The total recharge for the Madison and Minnelusa aquifers estimated by Carter et al. (9) for Subarea 3 is 8,910 ac-ft/yr and Carter et al. (4) estimated approximately 55% of the recharge goes to the Madison aquifer. Therefore, the average annual recharge to the Madison aquifer in Carter et al. (9) Subarea 3 is 4,900 ac-ft/yr. There are nine water rights/permits and one future use permit appropriating water from Carter et al. (9) Subarea 3 (12). Using the same methods described in the statewide discharge section, the estimated annual appropriation for Carter et al. (9) Subarea 3 is currently 1,848 ac-ft/yr. Water Permit Application No. 1994-1 lies within the boundaries of subarea 3 and proposes to withdraw 107.4 ac-ft/yr. This application could withdraw all 1,300 ac-ft/yr from Subarea 3. The total appropriation of all existing water rights/permits, approved future use permits, and pending permits, including this application, within Subarea 3 is 3,255.4 ac-ft/yr and there is reasonable probability unappropriated water is available for this application within the boundaries of Carter et al. (9) Subarea 3.

The total estimated recharge to the Madison aquifer in Subarea 4 is approximately 15,700 ac-ft/yr (9). There are 43 water rights/permits conservatively estimated to withdraw 17,475 ac-ft/yr and 3 future use permits currently reserving 7,653 ac-ft/yr from the Madison aquifer in Subarea 4. This application proposes to reserve 1,300 ac-ft/yr. Using the same methods as before, the total estimated withdrawal from Subarea 4 if all future use permits permitted to develop in Subarea 4 withdrew all their water from Subarea 4 is 26,428 ac-ft/yr. Like all groundwater models, the Carter et al. (9) hydrologic budgets rely on a number of assumptions that may impact the findings of the model. Other information available that is described in this report, including observation well analysis, shows that withdrawals have not been exceeding recharge in the Madison aquifer. As withdrawals in the Madison aquifer increase in a concentrated area, it is possible for the potentiometric surface of the aquifer to change, which would cause groundwater to flow across boundaries that had been previously established as low- or no-flow boundaries. Therefore, the Carter et al. (9) assumption of where the no-flow boundaries lie may not be true anymore. The Carter et al. (9) report also did not study the possibility of increased recharge induced as well withdrawals increase. That phenomenon has been known to happen in at least one other aquifer in South Dakota (17) and is likely to occur in other aquifers. Based on the Carter et al. (9) hydrologic budget for Subarea 4, there is not reasonable probability unappropriated water is available for this application, but some assumptions in the Carter et al. (9) hydrologic budget may be outdated and other information in this report including observation well analysis indicate withdrawals from the Madison aquifer do not exceed recharge in Subarea 4.

Table 4: Average hydrologic budget for the Madison and Minnelusa aquifers modified from Carter et al. (9) for Subareas 3 and 4 for water years 1987 through 1996.

		Inflows			Outflows		
		Streamflow Recharge	Precipitation Recharge	Groundwater inflow	Artesian Spring-flow	Wells	Groundwater outflow
Subarea 3	cfs	8.6	3.7	0.0	1.9	0.6	9.8
	ac-ft/yr	6,230.3	2,680.5	0.0	1,376.5	434.7	7,099.6
Subarea 4	cfs	33.7	5.7	0.0	26.2	7.2	6.0
	Ac-ft/yr	24,414.0	4,129.4	0.0	18,980.6	5,216.0	4,346.7

Long et al. (5)

Long et al. (5) analyzed groundwater flow of the Madison and Minnelusa aquifers in the area near Rapid City, including the area for this application. One product of that analysis was a hydrologic budget for water years 1988-1997. The average hydrologic budget for those years is shown in Table 5 in the units used by Long et al. (5) and in ac-ft/yr.

Table 5: Average hydrologic budget for Madison aquifer from water years 1988-1997, modified from Long et al. (5)

		Inflows			Outflows				Change
		Streamflow recharge	Areal recharge	Seepage from Deadwood aquifer	Spring flow	Water use	Leakage to overlying units	regional outflow	
Long et al. (2002)	cfs	38.8	16.1	6.3	30.8	6.7	7.6	11	5.1
	ac-ft/yr	28,108.7	11,663.6	4,564.0	22,313.1	4,853.8	5,505.8	7,969.0	3,694.7

Total recharge to the Long et al. (5) study area is 44,336 ac-ft/yr. There are 55 water rights/permits authorized to withdraw from the Madison aquifer within the Long et al. (5) study area (12). Following the same methods as the statewide discharge section, the estimated average annual withdrawal in the Long et al. (5) study area from existing water rights/permits and future use permits is 19,666 ac-ft/yr. This application would reserve an additional 1,300 ac-ft/yr and Water Permit Application No. 1994-1 seeks to appropriate 107.4 ac-ft/yr. Based on the Long et al. (5) estimate of recharge and current estimates of withdrawals, there is reasonable probability unappropriated water is available for this application.

Observation well data

Administrative Rule of South Dakota (ARSD) 74:02:05:07 requires the Water Management Board to rely upon observation well measurements in addition to other data to determine the availability of unappropriated water. The DENR Water Rights Program maintains 25 observation wells completed into the Madison aquifer (6). The nearest DENR observation well to the proposed well for this application is Observation Well PE-95C, located approximately 2.4 miles southwest of the nearest boundary for the proposed area (6). Figure 2 shows water level elevations for Observation Well PE-95C (6). The water levels in this well are representative of the Madison aquifer behavior near the outcrop of the Madison Group. In general, water levels rise during wet periods and decline during dry periods (18), indicating that the effects of the weather and climate impact water levels in the aquifer more than withdrawals. Therefore, based on observation well analysis, there is reasonable probability unappropriated water is available for this application.

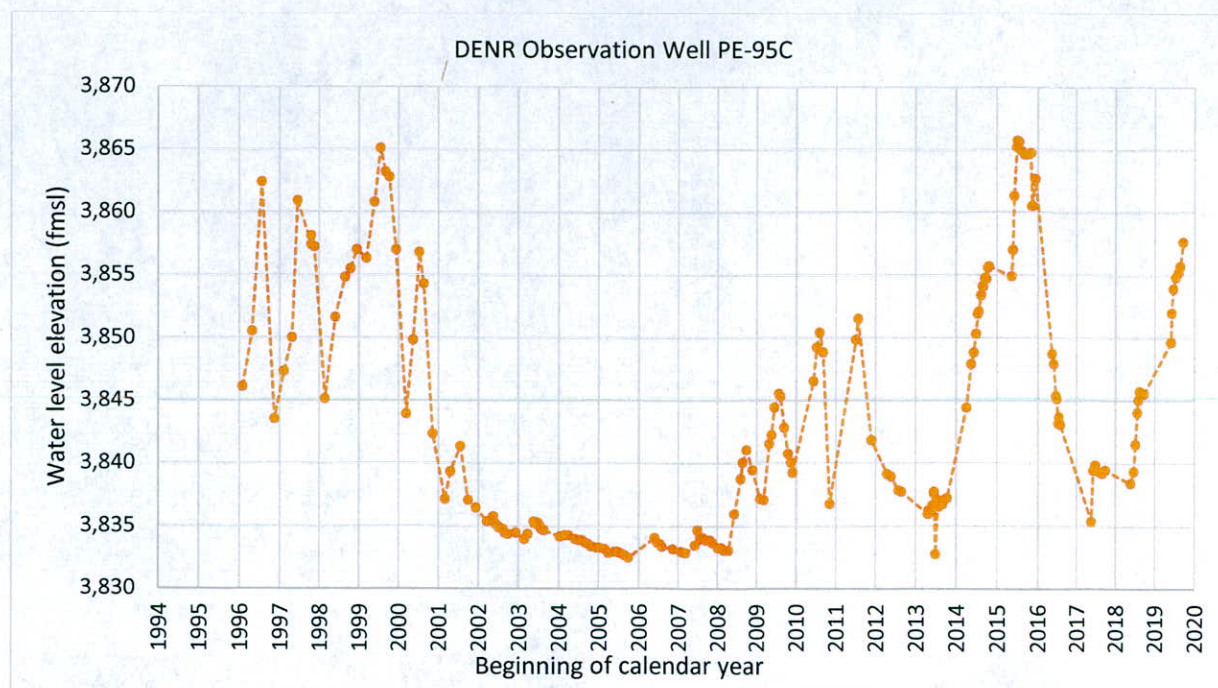


Figure 2: Water level elevations from DENR Observation Well PE-95C (6)

Potential for unlawful impairment of existing water rights

Appropriative and domestic well users

There are three active Madison aquifer water rights/permits (12) and numerous domestic wells on file with the DENR that are likely to be completed into the Madison aquifer (7) and are located within the boundaries of the proposed area for this application. Future Use Permit No. 1833-2 also lies fully within the boundaries of the proposed area for this application. Figure 3 shows water rights/permits near the proposed well for this application and Table 6 describes water rights/permits shown in that figure (12) (16). In order to place waters of the state to maximum beneficial use, SDCL 46-6-6.1 does not necessarily protect artesian head pressure as a means of water delivery. In order to protect domestic well users, the Water Management Board has defined an adversely impacted domestic well in ARSD 74:02:04:20(6) as:

“a well in which the pump intake was set at least 20 feet below the top of the aquifer at the time of construction or, if the aquifer is less than 20 feet thick, is as near to the bottom of the aquifer as is practical and the water level of the aquifer has declined to a level that the pump will no longer deliver sufficient water for the well owner's needs”

This application is not a request to place reserved water to beneficial use, so approval of this application would not directly result in any drawdown to the aquifer. It does demonstrate intent that in some time in the future the applicant could complete a well into the Madison aquifer in the proposed area, and drawdown is likely to occur after that. However, DENR observation wells near high-capacity wells such as those for Rapid City have not experienced adverse impacts historically (6). There are no complaints on file with the DENR regarding well interference in the Madison aquifer in Meade County (19). Therefore, with careful placement of the well(s) and

management of the pump(s), there is reasonable probability this application can be developed without impairment of domestic wells or senior water rights/permits.

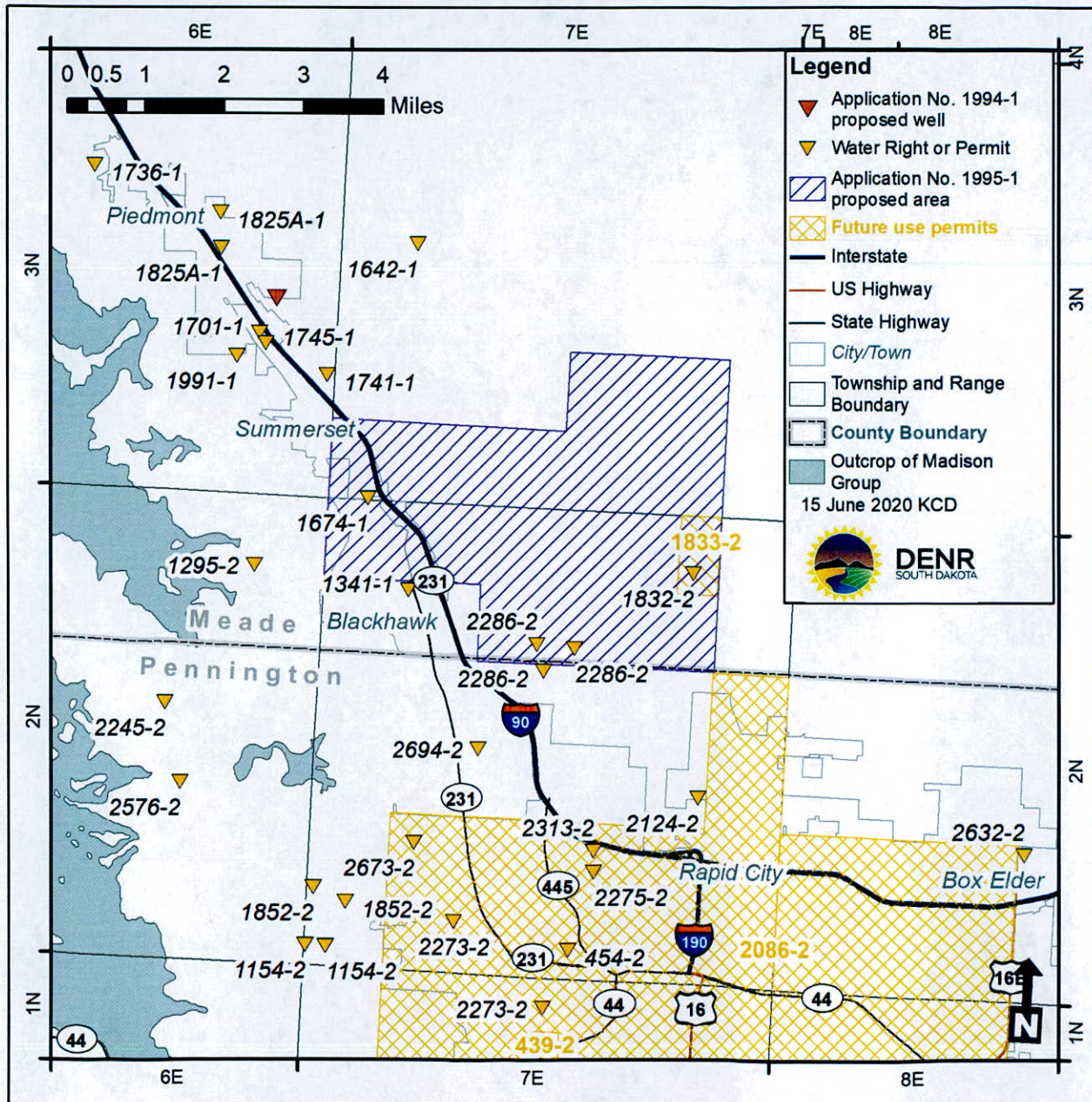


Figure 3: Nearby Madison aquifer water rights/permits (12) (16)

Report on Water Permit Application No. 1995-1

Table 6: Water rights/permits and future use permits appropriating water from the Madison aquifer in Figure 3 (12)

Permit No.	Name/Business	Status	Priority date	Use type(s)	Diversion rate (cfs)	Volume limit (ac-ft/yr)
1341-1	Black Hawk Water User District	LICENSE	08/05/1985	RWS	1.150	N/A
1674-1		LICENSE	08/18/1998	MUN	1.900	N/A
1991-1		PERMIT	05/30/2019	RWS	1.780	760
454-2	Black Hills Corporation	LICENSE	04/09/1957	IND	1.000	N/A
2245-2	Calvary Trail Homeowners	LICENSE	08/24/1992	SHD	0.030	N/A
2576-2	Canyon Springs Sanitary & Water District	LICENSE	02/03/2006	SHD	0.250	N/A
2632-2	City of Box Elder	PERMIT	04/16/2008	MUN	1.000	435
439-2	City of Rapid City	FUTURE USE	09/22/1956	MUN	N/A	3,367
2086-2		FUTURE USE	05/18/1989	MUN	N/A	4,075
2273-2		LICENSE	05/18/1989	MUN	11.060	4,804
2275-2		LICENSE	05/18/1989	MUN	3.800	1,651
2124-2		LICENSE	03/19/1990	MUN	1.790	N/A
2313-2	Coca-Cola Bottling	LICENSE	04/08/1994	IRR, COM	0.330	N/A
1825A-1	Diamond D Water Co Llc	LICENSE	07/15/2004	SHD	0.260	N/A
2673-2	Diocese of Rapid City	LICENSE	05/27/2011	IRR	0.120	N/A
2286-2	Donald Konechne	LICENSE	04/28/1993	IRR	0.100	N/A
1642-1	Eagle Ridge Homeowners	LICENSE	08/05/1996	SHD	0.089	N/A
1736-1	Elk Mountain Estates	LICENSE	07/10/2000	SHD	0.189	N/A
2694-2	Pete Lien & Sons Inc	PERMIT	10/12/2012	IND, COM	1.560	N/A
1852-2	Ponderosa Water & Homeowners Assn	LICENSE	08/03/1983	SHD	0.110	N/A
1741-1	Rendezvous Ranch	LICENSE	12/12/2000	SHD	0.089	N/A
1701-1	Stagebarn Lodging Llc	LICENSE	11/22/1999	COM	0.100	N/A
1745-1	Tim Haggar	LICENSE	01/08/2001	COM	0.100	N/A
1154-2	Westberry Trails Water	LICENSE	09/05/1973	SHD	0.250	N/A
1832-2	Weston Heights Home Owners	LICENSE	02/18/1983	RWS	0.780	N/A
1833-2		FUTURE USE	02/18/1983	RWS	N/A	211
1295-2	Woodland Hills Comm Assoc	LICENSE	09/25/1975	SHD	0.100	N/A
COM – Commercial, IND – Industrial, IRR – Irrigation, MUN – Municipal, RWS – Rural Water System, SHD – Suburban Housing Development						

Springs

The nearest major artesian spring to the proposed area for this application is City Springs, located approximately 2 miles to the south of the southern border of the proposed area (20). Upon considering the deferral of Water Permit Application No. 2585-2 for the Southern Black Hills Water System, the Water Management Board adopted a conclusion of law stating in part, "...The only protection South Dakota law provides when considering an application for an underground water permit for flow from an artesian spring is under the public interest criteria" (21). Given the distance between the proposed area and City Springs, there is reasonable probability this application can be developed without noticeably impacting flow from springs.

Conclusions

1. Future Use Permit Application No. 1995-1 seeks to reserve 1,300 ac-ft/yr from the Madison aquifer in Sections 26, 27, 31, 32, 33, 34, and 35 in T3N-R7E and Sections 2, 3, 4, 5, 6, 9, 10, and 11 in T2N-R7E.
2. Based on hydrologic budgets and observation well analysis, there is reasonable probability unappropriated water is available.
3. There is reasonable probability this application can be approved without unlawful impairment of existing water rights/permits and domestic wells.



Kim Drennon, Natural Resources Engineer
DENR – Water Rights Program

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PUBLISHER'S AFFIDAVIT OF PUBLICATION

RECEIVED

STATE OF SOUTH DAKOTA }
)SS
 COUNTY OF MEADE }

JUL 20 2020

WATER RIGHTS
 PROGRAM

Kris Stocklin-Johnson of said County and State, being duly sworn on oath says: THE FAITH INDEPENDENT is a weekly newspaper of general circulation, published in FAITH, in said County and State and has been such newspaper during the times thereafter mentioned; that the said THE FAITH INDEPENDENT is a legal newspaper and has been in existence for more than one year immediately preceding the first publication herein mentioned; and has more than 200 bonafide subscribers; that I, the undersigned, am Office Manager of said newspaper, and have personal knowledge of all facts stated in this affidavit; and that the advertisement headed:

Notice to Reserve Water for Future Use No. 1995-1

A printed copy of which is hereto attached, was printed and published in said newspaper for one successive issue, the first publication being on the 1st day of July, 2020, and the last publication on the 1st day of July, 2020, that \$25.48 being the full amount of the fee for publication of the annexed notice insures solely to the benefit of the publishers of the said newspaper; that no arrangement 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.

x Kris Stocklin-Johnson

Subscribed and sworn to me before this 1st day of July, 2020.

Tamara Ravellette

Notary Public, State of South Dakota
 My Commission Expires
 Jan. 24th, 2026



NOTICE OF
 APPLICATION
 NO. 1995-1 to Reserve
 Water for Future Use

Notice is given that Black Hawk Water User District, c/o Ken LeBon, Manager, PO Box 476, Black Hawk SD 57718 have filed an application for a future use permit to appropriate 1,300 acre-feet of water annually from the Madison Aquifer. The area to be reserved for future use includes all Sections 26, 27, 31, 32, 33, 34, 35; in T3N-R7E and all of Sections 2, 3, 4, 5, 6, 9, 10, 11; all in T2N-R7E. The water is to be served for the purpose of providing future supplies for the district serving users in Meade County. This application does not authorize construction of works or application of water to beneficial use.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Future Use Application No. 1995-1 with qualifications because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the Black Hawk Water User District has demonstrated a reasonable need for the water reserved, 3) the proposed use is a beneficial use and 4) it is in the public interest. The Chief Engineer's recommendation with qualifications, the application, and staff report are available at <http://denr.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 or supporting this application or recommendation must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by July 13, 2020.

The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained.

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 July 1, 2020 at the total approximate cost of \$25.48.

Affidavit of Publication

RECEIVED

STATE OF SOUTH DAKOTA

JUL 06 2020

County of Pennington

SS:

WATER RIGHTS
PROGRAM

July 1 L13701
NOTICE OF APPLICATION
NO. 1995-1 to Reserve Water for
Future Use

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Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Future Use Application

No. 1995-1 with qualifications because 1) there is reasonable probability that there is inappropriate water available for the applicant's proposed use, 2) the Black Hawk Water User District has demonstrated a reasonable need for the water reserved, 3) the proposed use is a beneficial use and 4) it is in the public interest. The Chief Engineer's recommendation with qualifications, the application, and staff report are available at <http://denr.sd.gov/public> or contact Ron Duvall for this information, or other information, at the Water Rights Program address provided below.

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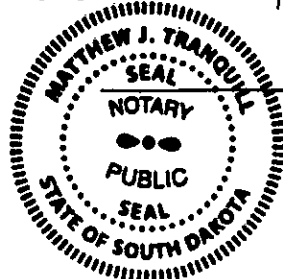
If the applicant does not contest the recommendation of the Chief Engineer and no petition to oppose the application is received, the Chief Engineer shall act on the application pursuant to the recommendation with no hearing held before the Water Management Board. If a petition opposing the application 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 \$52.55)

Sheri Sponder being first duly sworn, upon his/her oath says: That he/she is now and was at all time hereinafter mentioned, an employee of the RAPID CITY JOURNAL, a corporation of Rapid City, South Dakota, the owner and publisher of the RAPID CITY JOURNAL, a legal and daily newspaper printed and published in Rapid City, in said County of Pennington, and has full and personal knowledge of all the facts herein stated as follows: that said newspaper is and at all of the times herein mentioned has been a legal and daily newspaper with a bonafide paid circulation of at least Two Hundred copies daily, and has been printed and published in the English language, at and within an office maintained by the owner and publisher thereof, at Rapid City, in said Pennington County, and has been admitted to the United States mail under the second class mailing privilege for at least one year prior to the publication herein mentioned; that the advertisement, a printed copy of which, taken from said Rapid City Journal, the paper in which the same was published, is attached to this sheet and made a part of this affidavit, was published in said paper once each day for one successive day, the first publication there of being on the 1st day of July 2020 that the fees charged for the publication there of are 52 dollars and 55 cents.

Sheri Sponder

Subscribed and sworn to before me this 1st day of July, 2020.



Matthew J. Tranquill

Notary public

December 5, 2025

My commission expires

Schlaak, Karen

From: Schlaak, Karen
Sent: Monday, July 13, 2020 1:53 PM
To: 'faithind@faithsd.com'
Subject: FW: 1995-1, Black Hawk Water User District
Attachments: 1995-1public.short.docx; FORM8.FRM.doc

I also need the affidavit for this notice.
Thanks,
Karen

From: Schlaak, Karen
Sent: Tuesday, June 23, 2020 9:13 AM
To: 'faithind@faithsd.com' <faithind@faithsd.com>
Subject: 1995-1, Black Hawk Water User District

Attached is a notice to be published on July 1, 2020.

Black Hawk Water User District, c/o Ken LeBon, Manager, PO Box 476, Black Hawk SD 57718 (605 787-5777) has been notified to contact you to authorize publication and arrange for payment.

Please send the affidavit or return the attached Proof of Publication form ASAP to the Water Rights Program, 523 E Capitol, Pierre SD 57501.

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

Karen Schlaak
Water Rights Program
(605) 773-3352



Schlaak, Karen

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Attachments: 1995-1public.short.docx; FORM8.FRM.doc

Attached is a notice to be published on July 1, 2020.

Black Hawk Water User District, c/o Ken LeBon, Manager, PO Box 476, Black Hawk SD 57718 (605 787-5777) has been notified to contact you to authorize publication and arrange for payment.

Please send the affidavit or return the attached Proof of Publication form ASAP to the Water Rights Program, 523 E Capitol, Pierre SD 57501.

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

Karen Schlaak
Water Rights Program
(605) 773-3352





DENR
SOUTH DAKOTA

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov

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

June 23, 2020

Black Hawk Water User District
c/o Ken LeBon, Manager
PO Box 476
Black Hawk SD 57718

Dear Mr. LeBon:

Water Permit Application No. 1995-1 for rural water system use has 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 Rapid City Journal printed at Rapid City SD (Ph # 605 394-8336). 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 publisher has been instructed to publish your notice. The newspaper has also been instructed to send us the Proof of Publication. We must receive Proof of Publication before action can be taken on the application.

Sincerely,

Karen Schlaak

Karen Schlaak
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. 1995-1 to Reserve Water for Future Use

Notice is given that Black Hawk Water User District, c/o Ken LeBon, Manager, PO Box 476, Black Hawk SD 57718 have filed an application for a future use permit to appropriate 1,300 acre-feet of water annually from the Madison Aquifer. The area to be reserved for future use includes all Sections 26, 27, 31, 32, 33, 34, 35; in T3N-R7E and all of Sections 2, 3, 4, 5, 6, 9, 10, 11; all in T2N-R7E. The water is to be served for the purpose of providing future supplies for the district serving users in Meade County. This application does not authorize construction of works or application of water to beneficial use.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Future Use Application No. 1995-1 with qualifications because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the Black Hawk Water User District has demonstrated a reasonable need for the water reserved, 3) the proposed use is a beneficial use and 4) it is in the public interest. The Chief Engineer's recommendation with qualifications, the application, and staff report are available at <http://denr.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 or supporting this application or recommendation must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by July 13, 2020.

The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained.

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_____.

Schlaak, Karen

From: Schlaak, Karen
Sent: Tuesday, June 23, 2020 9:25 AM
To: office@bhwud.com
Cc: mitch.kannenbergl@lrewater.com
Subject: Water Permit Application No. 1995-1
Attachments: 1995-1.pdf

Attached is the report, chief engineer recommendation and information regarding the public notice for Water Permit Application No. 1995-1.

As stated in the letter, it is important that you contact the **both papers** to authorize publication and arrange for payment ASAP in order for the notice to be published on July 1, 2020. This same information is being mailed to you today.

Karen Schlaak
Water Rights Program
(605) 773-3352





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JUL 27 2020

Black Hawk Water User District
c/o Ken LeBon, Manager
PO Box 476
Black Hawk SD 57718

Dear Mr. LeBon:

Enclosed is Future Use Permit No. 1995-1 as approved by the Water Management Board.

When plans for facilities are prepared to put any portion of the water granted in the future use permits to beneficial use, an application covering such facilities and water use should be submitted to this office before construction is initiated.

Sincerely,

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

enclosures