

WATER PERMIT NO. 2013-1

Name of Applicant: Santa Maria Land & Cattle Corp

Address: 10150 SD Hwy 34, Belle Fourche SD 57717

Phone: 605 569-6634

Amount of Water Claimed: 2.22 cfs

Total Acres: 460 acres

Source of Water Supply: groundwater (2 wells)

Water to be used for: irrigation

County: Butte

Type of Waste Disposal System:

Location: 9 miles west of Belle Fourche

PRIORITY Date Received: 1-18-22

Application/License Fee: \$1550

Corrected Application Received: 1-28-22

Period of Annual Use: May 1 – November 15

Remarks:

Diversion Point: SE 1/4 SE 1/4 Sec 29 and NW 1/4

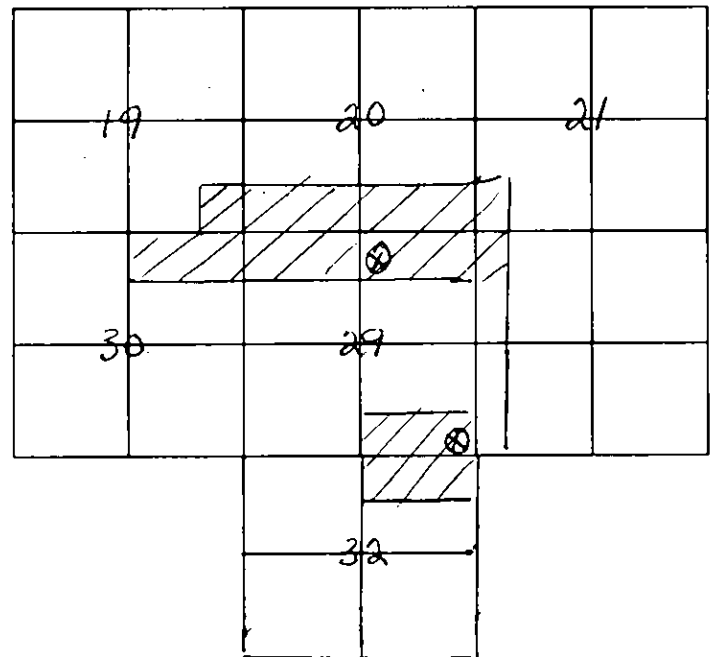
NE 1/4 Sec 20; all in T8N-R1E

Land to be Irrigated: N 1/2 NE 1/4 Sec 30, SE 1/4

SE 1/4 Sec 19, S 1/2 Sec 20, SW 1/4 SW 1/4 Sec

21, W 1/2 NW 1/4 Sec 28, N 1/2, S 1/2 SE 1/4 Sec

29, N 1/2 NW 1/4 Sec 32; all in T8N-R1E



Depth of Well: 2500 feet

Well Driller:

Remarks:

Type of Map: aerial

Prepared by:

Reviewed and the Number Assigned on: 1-28-22

By: Karen Schlaak

Notice of Hearing - date to intervene: _____

**SOUTH DAKOTA
WATER PERMIT NO. 2013-1**

Date of first receipt of application January 18, 2022.

Date of return to applicant for corrections, amendments or changes January 19, 2022.

Date of receipt of corrected application January 28, 2022.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 2013-1 to Santa Maria Land & Cattle Corp, c/o Elaina Parker, President, 10151 SD Hwy 34, Belle Fourche SD 57717 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. 2013-1 appropriates 2.22 cubic feet of water per second from two wells to be completed into the Madison Aquifer (approximately 2,500 feet deep) located in the SE 1/4 SE 1/4 Section 29 and NW 1/4 NE 1/4 Section 29 for irrigation of 460 acres located in the N 1/2 NE 1/4 Section 30, E 1/2 SE 1/4 Section 19; S 1/2 Section 20; N 1/2, S 1/2 SE 1/4 Section 29, W 1/2 SW 1/4 Section 21, W 1/2 NW 1/4 Section 28 and N 1/2 NE 1/4 Section 32; all in T8N-R1E. This site is located approximately 8 miles west of Belle Fourche 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: May 1 – November 15.
3. The date from which applicant may claim right is January 18, 2022.
4. The date of approval of Permit No. 2013-1 is August 31, 2022.
5. One-fifth of the construction is to be completed on or before March 1, 2025.
6. All construction is to be completed on or before August 31, 2027.
7. Water is to be put to beneficial use on or before August 31, 2031.
8. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. In accordance with SDCL 46-1-14 and 46-2A-20, Permit No. 2013-1 is issued for a twenty-year term. Pursuant to SDCL 46-2A-21, the twenty-year term may be deleted at any time during the twenty-year period or following its expiration. If the twenty-year term is not deleted at the end of the term, the permit may either be cancelled or amended with a new term limitation of up to twenty years. Permit No. 2013-1 may also be cancelled for nonconstruction, forfeiture, abandonment or three permit violations pursuant to SDCL 46-1-12, 46-5-37.1 and ARSD 74:02:01:37.
2. The wells 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 withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.

(continued)

3. The wells authorized by Permit No. 2013-1 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
4. 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 Environment and Natural Resources

SEP 26 2022
date



FORM 2: Application for irrigation in South Dakota

(type or print)

Mail to: DENR - Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. <u>2013-1</u> Basin <u>Belle Fourche</u> Newspaper <u>Black Hills Pioneer</u>	(office use only) Hydrologic Unit <u>10120203</u>
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RECEIVED

JAN 18 2022

WATER RIGHTS
PROGRAM

Application For Permit To Appropriate Water For Irrigation

Type of Application: ☐ New ☐ Vested Right ☐ Amendment/Correction to Permit No. _____
(Use predates Mar 2, 1955)

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

NEW APPLICATION

1. Name to Appear on Irrigation Permit SANTA MARIA LAND & CATTLE CORP

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

Mailing Address 10150 S.D. HWY 34, BELLE FOURCHE S.D. 57717
10151

(Address)

(City)

(State)

(Zip Code)

Phone 605.569.6634

Mobile _____

Email remorris1@gmail.com

2. Amount of water claimed _____ *CFS or 1000 **GPM ***AF Total Acreage 430 460
(*Cubic Feet per Second) (**Gallons per Minute) (***Acre Feet - storage capacity of dam dugout or annual use if applicable)

3. Source of water supply YET TO BE DRILLED WELL, MADISON AQUIFER

4. Location of point of diversion 1 WELL IN SE 1/4 SEC 29, T8N, R 1E AND (SE 1/4 SE 1/4)

1 WELL IN SW 1/4 SEC 20, T8N, R1E

(example - 3 wells in SW 1/4 SEC 12 T104N-R53W)

Sec 29-T8N-R1E (NW 1/4 NE 1/4)

County BUTTE

5. County or counties where water will be used BUTTE

6. Annual period during which water is to be used MAY 1 NOV 15

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
N 1/2 OF NE 1/4 SEC 30, 8N, 1E	65	SW 1/4 OF SW 1/4 SEC 21 8N, 1E	20
SE 1/4 OF SE 1/4 SEC 19, 8N, 1E	40	W 1/2 OF NW 1/4 SEC 28, 8N, 1E	25
S 1/2 OF S 1/2 SEC 20, 8N, 1E	100	S 1/2 OF SE 1/4 SEC 29, 8N, 1E	50
N 1/2 OF N 1/2 OF SEC 29, 8N, 1E	130	<u>N 1/2 NE 1/4 Sec 32-T8N-R1E</u>	<u>30</u>

Give a description of the project. Develop wells for irrigated pasture. Soils are classified as irrigable soils per NRCS. Wells are

to be deep wells into the Madison Aquifer.

7.

I, SANTA MARIA LAND & CATTLE CORP, ELAINA PARKER, PRES., the applicant, certify under

Name of Person

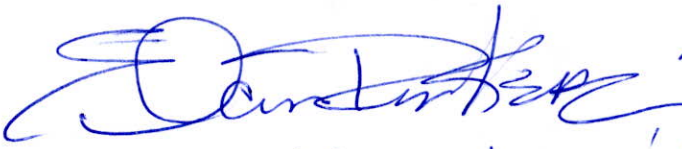
Title (if applicable)

penalty of perjury that I have read this application, examined the attached map, and that the matters stated are true. I further certify, if

acting on behalf of an entity or individual other than myself, that I am authorized to submit this application.

2015-10

Attachments: Attach Form 2A if diversion is from a well or dugout, or if storage of water is proposed. Also, attach map and any other technical information. (see instructions)

 President 1/14/22
Santa Maria Land Cattle Corp.

IF incomplete or if
questions, please call me:

Bob Morris, Agent for Santa Maria
605 569 6634

 President
Santa Maria Land & Cattle Corp

RECEIVED

JAN 18 2022

WATER RIGHTS
PROGRAM

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 NO Drilled by NOT YET DRILLED
OR 2 NEW WELLS

(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) 2500 Depth to Top of Water Bearing Material ?? Depth to Water from Surface ??

d) Distance to nearest domestic well on applicant's property 1 MI Property owned by others 3/4 MI

2. Wastewater Disposal System Information

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

b) System Capacity (gallons) 1500 Year Constructed 1960'S ???

c) Connected to the City of Sanitary System

3. Dugout Information

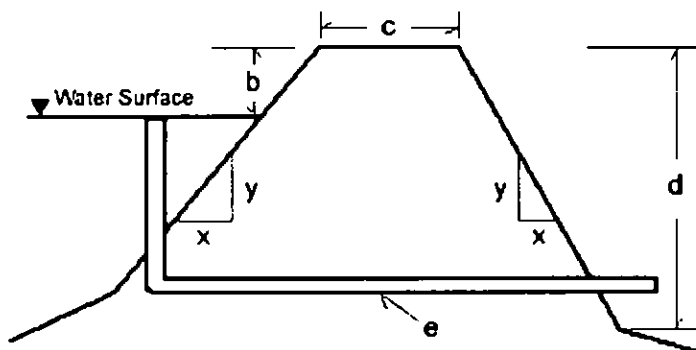
a) Surface Dimensions Depth

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

7

8

9

SANTA MARIA
LAND & CATTLE CO. AP



IRrigable
lands

18

17

16

19

20

8N 1E

21

30

29

28

31

32

33

6

7N 1E

4

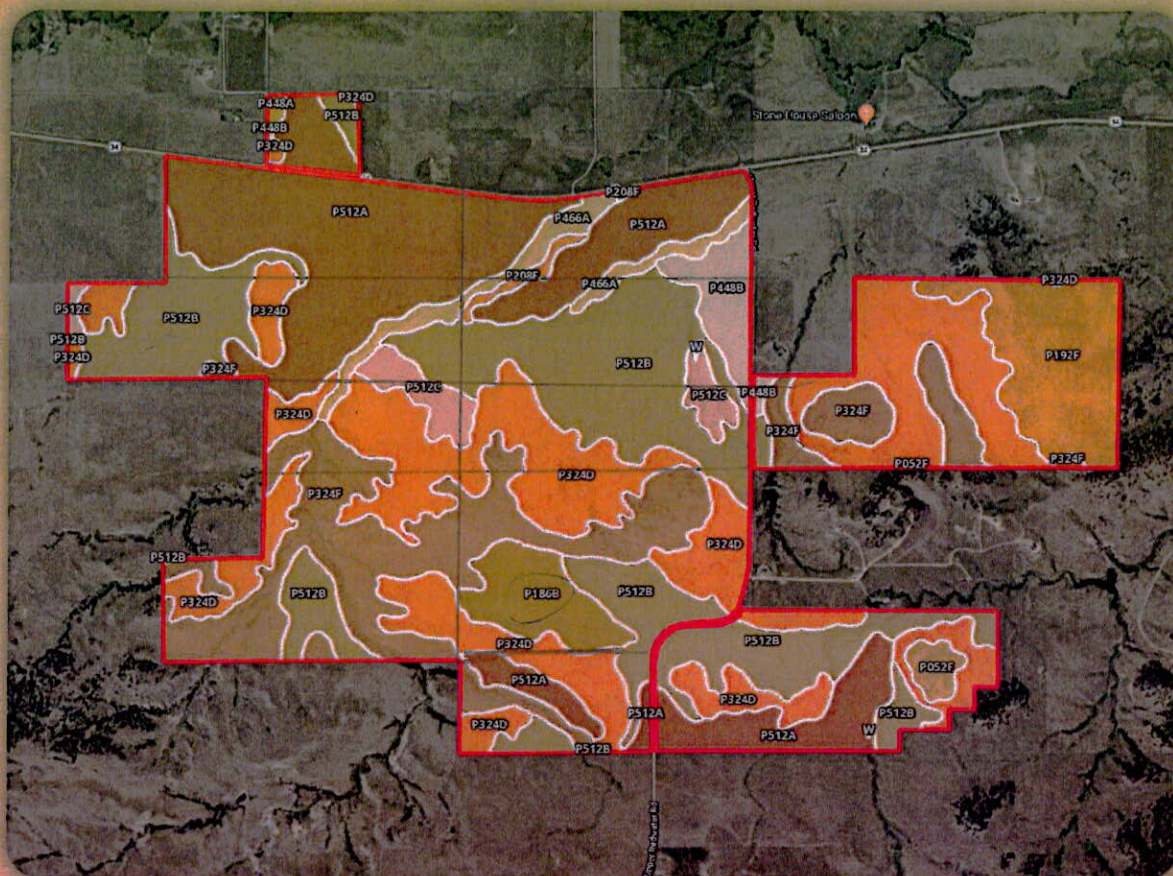
**SANTA MARIA
LAND & CATTLE CORP**

**Creek
Slaughter Reservoir**

8 N 1 E

Beulah

Soils Map



SOIL CODE	SOIL DESCRIPTION	ACRES	%	CPI	CAP
P512B	Thirtynine silt loam, 2 to 6 percent slopes	379.5	22.24	78	3e
P324D	Pierre-Fairburn-Ucross complex, moist, 6 to 25 percent slopes	432.4	25.34	23	6e
P448B	Savo silty clay loam, moist, 2 to 6 percent slopes	35.6	2.08	80	3e
P448A	Savo silty clay loam, moist, 0 to 2 percent slopes	2.1	0.12	86	3s
P512A	Thirtynine silt loam, 0 to 2 percent slopes	354.4	20.77	90	3c
W	Water	0.8	0.05	0	8
P512C	Thirtynine silt loam, 6 to 9 percent slopes	35.6	2.09	72	4e
P208F	Lismas, moist-Badland, shale complex, 25 to 50 percent slopes	7.7	0.45	8	7e
P466A	Sodawells-Rockypoint complex, moist, channeled, 0 to 3 percent slopes, rarely flooded	39.0	2.29	27	6w
P186B	Kyle clay, moist, 2 to 6 percent slopes	48.5	2.84	53	4e
P324F	Pierre-Fairburn-Ucross complex, moist, 10 to 50 percent slopes	264.6	15.51	7	7e
P192F	Lakoa-Colby, cool silt loams, 9 to 50 percent slopes	95.1	5.57	6	7e
P052F	Butche, moist-Rock outcrop complex, 25 to 50 percent slopes	11.1	0.65	0	7s
TOTALS		1706.3	100%	48.73	4.77

This Black Hills Ranch has an excellent soil rating.

Schlaak, Karen

From: ROBERT MORRIS <remorris1@gmail.com>
Sent: Friday, January 21, 2022 12:45 PM
To: Schlaak, Karen
Subject: Re: [EXT] Water Permit Application for Santa Maria Land & Cattle Corp

1. The well locations you described are correct.
2. There is approximately 30 acres in the N1/2 Of NW 1/4 Sec 32 that will need to be added to the total irrigated acres, thus increasing the acres to be irrigated by this amount.

I am mailing you the application fee of \$1550.

Thanks for your help.

Bob

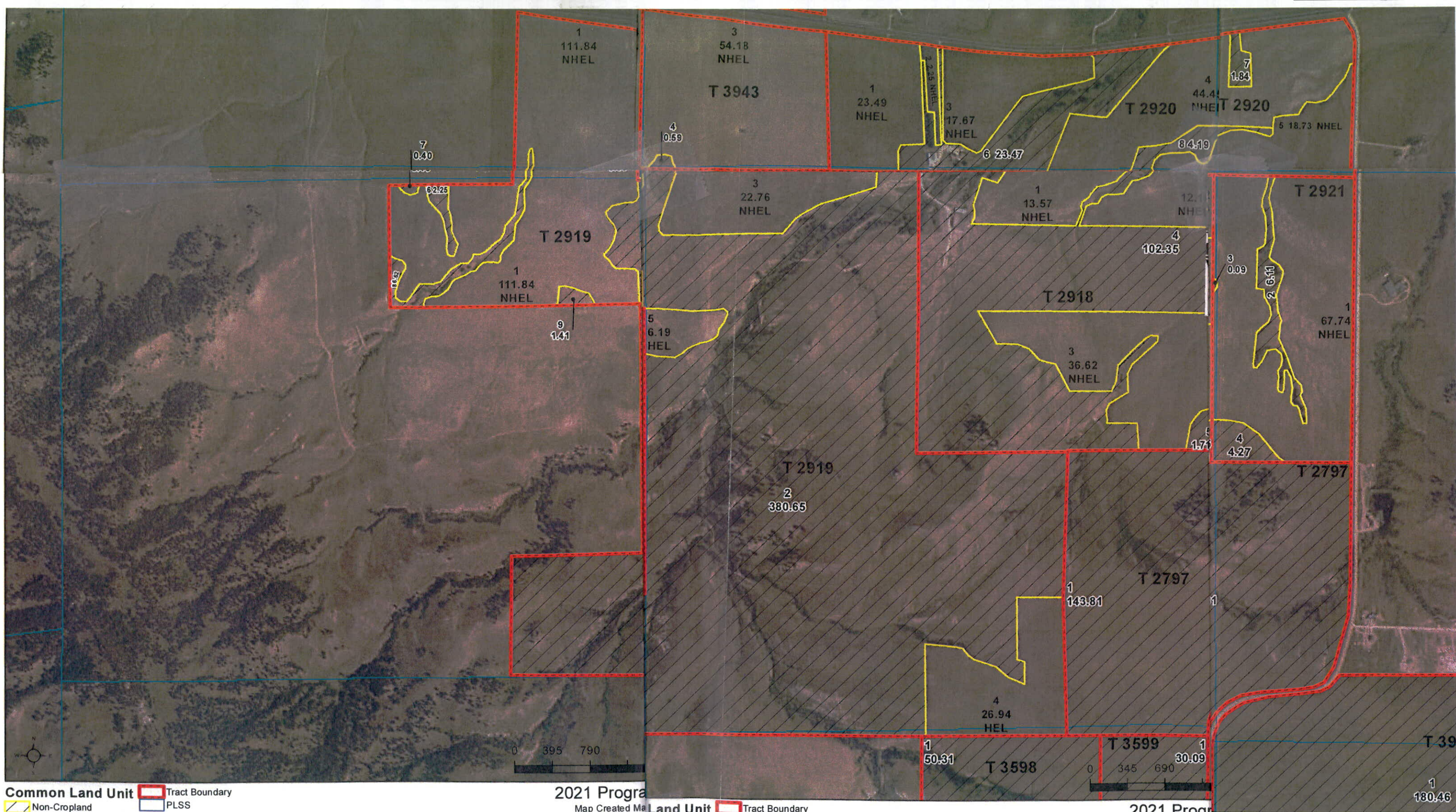
On Wed, Jan 19, 2022 at 1:46 PM Schlaak, Karen <Karen.Schlaak@state.sd.us> wrote:

Bob Morris,

I have a couple of questions regarding this application. I have included the map.

- The application states the wells will be located in the SE ¼ Section 29 and the S ¼ Section 20. The X's on the map indicate one well is proposed to be drilled in the SE ¼ SE ¼ Section 29 and the other well is in the NW ¼ NE ¼ Section 29. Do you agree with these two locations?
- It appears that the cross hatched area indicating the lands to be irrigate extends into the N ½ NE ¼ Section 32. Is this correct? If so what is the number of acres located in the N ½ NE ¼ Section 32. That number will need to be added to the total acreage of 430 acres.
- The application/license fee for irrigation of 421 – 480 acres will be \$1,550.00.

If this letter is needs to be directed to someone else, please let me know.



Common Land Unit Tract Boundary
 Non-Cropland
 Cropland
 PLSS

Wetland Determination Identifiers
 Restricted Use
 Limited Restrictions
 Exempt from Conservation
 Compliance Provisions

United States Department of Agriculture (USDA) Farm Service Agency (FSA) maps are for FSA Program administration only. This map does not represent a legal survey of ownership; rather it depicts the information provided directly from the producer and/or National Agricultural Imagery Program (NAIP) imagery. The producer accepts the data associated with its use. USDA-FSA assumes no responsibility for actual or consequential damage incurred as a result of any user's reliance on this data for purposes not intended by the agency. Wetland determinations do not represent the size, shape, or specific determination of the area. Refer to your original determination (CPA-026 and attached maps) for boundaries and determinations or contact USDA Natural Resources Conservation Service (NRCS).

2021 Program
Map Created Map
Farm Land Unit Tract Boundary
 Non-Cropland
 Cropland
 PLSS

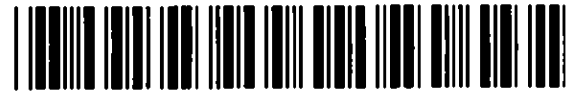
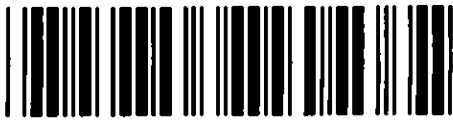
Wetland Determination Identifiers
 Restricted Use
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2021 Program
Map Created Map
Farm Land Unit Tract Boundary
 Non-Cropland
 Cropland
 PLSS

Wetland Determination Identifiers
 Restricted Use
 Limited Restrictions
 Exempt from Conservation
 Compliance Provisions

United States Department of Agriculture (USDA) Farm Service Agency (FSA) map it depicts the information provided directly from the producer and associated with its use. USDA-FSA assumes no responsibility for land identifiers do not represent the size, shape, or specific determination or contact USDA Natural Resources Conservation



DB194254

ARTICLES OF INCORPORATION

Secretary of State
500 E. Capitol Ave
Pierre, SD 57501-5070
(605) 773-4845

DOMESTIC BUSINESS CORPORATION
SDCL 47-1A-120, 129 & 202

Please Type or Print Clearly in Ink
Please submit one Original
Make payable to the SECRETARY OF STATE

Filing Fee: \$150

Total Fee: \$150

Article I

The name of the Company: **Santa Maria Land and Cattle Corp.**

Article II

The number of shares the corporation is authorized to issue: **100 common shares**

The duration of the company if other than perpetual is: **Perpetual**

If the document is not to be effective upon filing by the Secretary of State, the delayed effective date is: **January 8, 2021**

Article III

The address of the principal office in or out of the State of South Dakota where the company conducts its business:

Actual Street Address
**10151 SD HWY 34
BELLE FOURCHE, SD 57717**

Mailing Address
**43819 HWY
BRIDGEVILLE, CA 95526**

Article IV

SDCL 47-1A-202(4), 59-11-6

The South Dakota Registered Agent's Name:

South Dakota law permits the registered agent to be either (a) a noncommercial registered agent, (b) a commercial registered agent, or (c) an office holder.

(a) The South Dakota Noncommercial Registered Agent's name

Name **Lindsay J Hovden**

Actual Street Address in this State
**329 BROADWAY AVENUE
YANKTON, SD 57078**

Mailing Address in this State
**329 BROADWAY AVENUE
YANKTON, SD 57078**

B0165-4740 01/07/2021 12:02PM Rec'd by SD SOS



B0165-4741 01/07/2021 12:02PM Rec'd by SD SOS

Article V

The name and address of each incorporator (one or more persons - person includes an individual or entity)

Name	Address
------	---------

Elaina V. Parker	43819 Hwy 36, Bridgeville, CA, 95526
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Article VI

The name and address of each director (one or more persons - person includes an individual or entity)

Name	Address
------	---------

Elaina V. Parker	43819 Hwy 36, Bridgeville, CA 95526
------------------	-------------------------------------

Article VII

Beneficial Owners (optional): A beneficial owner is a person who has or in some manner controls an equity security. Please consult an attorney for legal advice if you have any questions concerning this entry. Any question under this heading is considered a request for legal advice and the secretary of state's office is, by statute, not permitted, to provide legal advice.

Signature/Authorization

This document must be executed by the chair of the board of directors, by its president, or by another of its officers. If directors have not been selected or the corporation has not been formed, an incorporator may execute the document.

No person may execute this report knowing it is false in any material respect. Any violation may be subject to a civil and/or criminal penalty (SDCL 47-1A-129; 22-39-36).

Elaina V. Parker

PRINTED NAME

Elaina V. Parker

SIGNATURE

01/07/2021

TITLE
DATED

RECEIPT

WATER RIGHTS PROGRAM South Dakota Department of Agriculture and Natural Resources

Date January 28, 2022

RECEIVED OF Santa Maria Land and Cattle Corp. 10151 SD Hwy 34 Belle Fourche SD 57717

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

Fee for Application for Permit No. <u>2013-1</u> to Appropriate Water, to construct and to put water to beneficial use	\$ <u>1350.00</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>2013-1</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>1550.00</u>

By Eric Gronlund
Chief Engineer
me

Schlaak, Karen

From: Schlaak, Karen
Sent: Monday, March 28, 2022 1:12 PM
To: 'ROBERT MORRIS'
Subject: Water Permit Application No. 2013-1
Attachments: 3129.pdf

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 as soon as possible to authorize publication and arrange for payment. This information is being mailed to you today.

Karen Schlaak
DANR - Water Rights Program
(605) 773-3352
Website: <https://danr.sd.gov>





**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. 2013-1, Santa Maria Land & Cattle Corp**

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. 2013-1, Santa Maria Land & Cattle Corp, 10150 SD Hwy 34, Belle Fourche SD 57717.

The Chief Engineer is recommending APPROVAL of Application No. 2013-1 with a twenty-year term pursuant to SDCL 46-1-14 and 46-2A-20 because 1) although evidence is not available to justify issuing this permit without a 20 year term limitation, there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and, 4) it is in the public interest with the following qualifications:

1. In accordance with SDCL 46-1-14 and 46-2A-20, Permit No. 2013-1 is issued for a twenty-year term. Pursuant to SDCL 46-2A-21, the twenty-year term may be deleted at any time during the twenty-year period or following its expiration. If the twenty-year term is not deleted at the end of the term, the permit may either be cancelled or amended with a new term limitation of up to twenty years. Permit No. 2013-1 may also be cancelled for nonconstruction, forfeiture, abandonment or three permit violations pursuant to SDCL 46-1-12, 46-5-37.1 and ARSD 74:02:01:37.
2. The wells 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 withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
3. The wells authorized by Permit No. 2013-1 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
4. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

See report on application for additional information.

Eric Gronlund

Eric Gronlund, Chief Engineer
March 28, 2022

**Report to the Chief Engineer on
Water Permit Application No. 2013-1**

Santa Maria Land and Cattle Corporation
17 March 2022

Water Permit Application No. 2013-1 seeks to appropriate 2.22 cubic feet of water per second from two wells to be completed into the Madison Aquifer (approximately 2,500 feet deep) located in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 29 and NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 29 for irrigation of 460 acres located in the N $\frac{1}{2}$ NE $\frac{1}{4}$ Section 30, E $\frac{1}{2}$ SE $\frac{1}{4}$ Section 19, S $\frac{1}{2}$ Section 20; N $\frac{1}{2}$ Section 29, S $\frac{1}{2}$ SE $\frac{1}{4}$ Section 29, W $\frac{1}{2}$ SW $\frac{1}{4}$ Section 21, W $\frac{1}{2}$ NW $\frac{1}{4}$ Section 28, and N $\frac{1}{2}$ NW $\frac{1}{4}$ Section 32; all in T8N-R1E, Black Hills Meridian. This site is located approximately 8 miles west of Belle Fourche, South Dakota.

Aquifer: Madison (MDSN)

Hydrogeologic Characteristics

The Madison Group in South Dakota is a Lower Mississippian and Upper Devonian group of formations consisting of the Englewood and Pahasapa Limestone formations in the Black Hills [1]. The Pahasapa Limestone is a "white, light-gray to tan, fine- to medium-grained limestone and dolomite containing brown to gray chert [2]." The Englewood Limestone is a "pink to lavender to light-gray, thin- to medium-bedded, fine- to medium-grained, argillaceous, dolomitic limestone [2]." The Madison aquifer consists of the permeable and porous portions of the Madison Group that are sufficiently saturated to deliver useful quantities of water. The Madison aquifer extends over more than 210,000 square miles in Montana, Wyoming, North Dakota, South Dakota, and Nebraska [3], although it may not be suitable as a source of water in all of those areas due to extreme depth to the aquifer and low water quality far from the outcrops [4]. The Madison aquifer may be hydrologically connected to the Deadwood aquifer underlying it in some locations and is connected to the Minnelusa aquifer above it [5]. There are other bedrock aquifers that receive natural discharge from the Madison aquifer further away from the Black Hills where confining layers between the Madison aquifer and those aquifers are absent. The hydraulic head of the Madison aquifer is higher than land surface in many places around the Black Hills, causing some wells completed into the aquifer to flow without a pump [6]. Numerous springs and seeps in the Black Hills flow with water that has been determined to come from the Madison aquifer [7].

The applicant did not submit a well completion with the application, but sufficient information is available to determine the availability of water and possibility of unlawful impairment of existing water rights/permits. On July 28, 2005, a well was completed into the Madison aquifer in the approximate center of the S $\frac{1}{2}$ Section 28 T8N-R1E for Water Right No. 1835-1. The driller indicated that the top of the Madison formation occurred 1,880 feet below grade to 2,460 feet below grade and the closed in pressure of the well was 75 pounds per square inch (psi), equivalent to approximately 173 feet of hydraulic head. That well is located approximately 0.6 miles east of the proposed well in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 29 and 1.1 miles from the proposed well in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 29. This well is a similar depth and pressure as should be expected in the applicant's proposed wells.

Applicable South Dakota Codified Law (SDCL)

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 Madison aquifer is older and stratigraphically lower than the Greenhorn Formation, but the applicant is not a water distribution system as defined in SDCL 46-1-6(17). Therefore, it is necessary to find that recharge exceeds withdrawals to approve this application.

Pursuant to SDCL 46-2A-20:

Notwithstanding §§ 46-1-14 and 46-2A-7, no water permit for construction of works to withdraw water from the Madison formation in Butte, Fall River, Custer, Lawrence, Meade and Pennington counties may be issued for a term of more than twenty years, unless the Water Management Board determines, based upon the evidence presented at a hearing that:

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

This application proposes to withdraw water from the Madison aquifer in one of the counties listed above. Therefore, in addition to the other requirements, the Water Management Board must consider the effect this application may have on nearby Madison aquifer wells and springs and this application is subject to a 20-year term limit.

Availability of Water

Statewide Hydrologic Budget

Statewide Recharge

The Madison aquifer receives recharge from infiltration of precipitation and streamflow on the outcrop area and may also receive inflow from the underlying Deadwood aquifer [5]. There are several reports available estimating recharge to the Madison aquifer.

Woodward-Clyde Consultants [8] estimated recharge to the outcrop of the Madison aquifer in the Black Hills as part of an environmental impact statement for the ETSI Coal Slurry Pipeline Project. The upper-bound estimate of recharge in the Woodward-Clyde Consultants report is approximately 400,000 ac-ft/yr, assuming almost all of the precipitation that falls on the outcrop infiltrates into the aquifer [8]. Woodward-Clyde Consultants produced a lower-bound recharge estimate of 140,000 ac-ft/yr based on the Rahn and Gries [7] report [8]. However, the Rahn and Gries report estimated recharge for all Paleozoic limestone in the Black Hills, which includes the Madison Group, the Minnelusa Formation, and the Minnekahta Formation [7]. Rahn and Gries [7, p. 15] reported that 146.14 cfs was their minimum estimated recharge rate for the Paleozoic limestone from infiltration of precipitation, which converts to approximately 106,000 ac-ft/yr for all Paleozoic formations. The Woodward-Clyde Consultants report did not acknowledge the fact that the Rahn and Gries [7] report estimated minimum recharge for a larger group of formations than the Woodward-Clyde Consultants report covers [8].

Carter, Driscoll, and Hamade [5] analyzed streamflow and precipitation data from water years 1931 to 1998 in the Black Hills area in South Dakota and Wyoming to determine the average annual recharge to the Madison and Minnelusa aquifers. They estimated a combined average annual recharge to both aquifers to be 344 cfs, or approximately 249,000 ac-ft/yr, not including possible flow from the Deadwood aquifer [5]. Carter, Driscoll, and Hamade [5] estimate that approximately 55% of the recharge goes to the Madison aquifer, so the total estimated average recharge to the Madison aquifer from the outcrop in the Black Hills is 137,000 ac-ft/yr, not including possible inflow from adjacent aquifers. The Carter, Driscoll, and Hamade [5] report uses more years of data, more recent data, and better assumptions than the Woodward-Clyde Consultants [8] and Rahn and Gries [7] reports. Therefore, the best estimate of recharge to the Madison aquifer is based on the Carter, Driscoll, and Hamade [5] report.

Statewide Discharge

Discharge from the Madison aquifer in South Dakota is mainly by outflow to other aquifers when the hydraulic head in the Madison aquifer is higher than those aquifers, outflow to springs and seeps, and by withdrawals by domestic and appropriative wells [9]. Due to the presence of overlying aquifers and water distribution systems in many areas of the aquifer, domestic well withdrawals are a negligible portion of the hydrologic budget of the Madison aquifer. There are 159 water rights/permits currently authorized to withdraw from the Madison aquifer and 10 future use water rights/permits reserving water from the Madison aquifer. Table 1 shows the future use permits reserving water from the Madison aquifer [10].

Of the 159 active water rights/permits, 94 are primarily for some kind of water distribution system (rural water system, municipal, etc), 31 primarily for irrigation, 14 for commercial use, 11 for industrial use, 4 for domestic use, 2 for geothermal use, 2 for institutional use, and one for recreation. Estimated withdrawals for irrigation use are shown below in Table 2 (page 5). When there were more than 10 years of irrigation reports available, the average reported irrigation was used to estimate irrigation withdrawals. When there were less than 10 years of irrigation reports available, withdrawals are assumed to equal 2 acre-feet per acre although actual usage is likely less for non-turf irrigation. Non-irrigation withdrawals from permit holders with irrigation as a permitted use are assumed to withdraw at their maximum instantaneous diversion rate 60% of the time. In the case of Water Right No. 1885-1, that would have caused the total estimated

withdrawal to exceed the rate they were physically capable of withdrawing, so their total estimated withdrawal is 100% of their maximum instantaneous diversion rate.

Table 1: Future Use Permits from the Madison aquifer [10]

Permit No.	Name/Business	County	Use	Priority Date	Amount Reserved (ac-ft/yr)
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
2560B-2	Fall River Water Users District	FR	RWS	05/16/2005	0
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
1995-1	Black Hawk Water User District	MD	RWS	04/15/2020	1,300
Total					14,109
FR – Fall River, LA – Lawrence, MD – Meade, PE – Pennington					
MUN – Municipal, RWS – Rural Water System					

Water Right/Permit Nos. 1096-1, 1096A-1, 1496-1, and 1670-1 are all authorized to withdraw from one well and one dam. 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 No. 1496-1 authorize diversion of water for rural water system use. Documentation in the administrative file for Water Right No. 1670-1 indicates that the well is not valved such that it can be shut off when not in use for the beneficial uses listed on the permits. A letter dated September 9, 1998 indicates that when the water for that well is not being used for the beneficial uses described in the permits, it is used for fish and wildlife propagation. The person writing the 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. 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.

Water Right No. 1650-1 does not require the water right holder to report annual withdrawals and allocates no acreage. It provides supplemental water supply from a flowing well for Water Right No. 1231-1. Water Right No. 1231-1 permits a 110 acre-ft dam to provide water for a commercial livestock operation and irrigation of 134 acres. Water Right No. 1650-1 allows for direct irrigation from a Madison aquifer well of up to 2 acre-ft per acre for the land permitted by Water Right No. 1231-1. Kilts estimated that Water Right No. 1650-1 withdraws 55.9 ac-ft/yr [11].

There are 36 water rights/permits that have a volume limit listed in their permit or have had their total withdrawal limited by a subsequent water right/permit held by the same person/entity. While many of those water rights/permits are required to report their withdrawals, they may develop their permits further to withdraw up to the limit on their permit. The total volume limit listed by such permits is 20,892 ac-ft/yr.

There are 89 non-irrigation water rights/permits that do not have a volume limit listed in their permit and are not discussed above. They are estimated to withdraw up to their maximum

Report on Water Permit App. No. 2013-1

instantaneous diversion rate 60% of the time, for a total estimated withdrawal of 16,897 ac-ft/yr. Based on Water Rights Staff experience, this estimate is likely to be higher than the actual withdrawals by those water rights/permits.

Table 2: Permits with irrigation listed as one beneficial use, or are connected to an irrigation permit [10] [12]

Permit No.	Name/Business	Diversion rate (cfs)	Acres Licensed/ Permitted	Average Report (ac-ft/yr)	Years of Irrigation Reports	Estimated average irrigation (ac-ft/yr)	Est. Non-irr. Use (ac-ft/yr)	Total Est. Withdrawal (ac-ft/yr)
2773-2	Arrowhead Country Club	1.110	100.00	0	3	200.0	0.0	200.0
1096-1	Bar Bar V Livestock LLC	1.880	216.00	65.5	30	*	*	*963.5
1670-1		3.610	253.00	49.6	23	*	*	*
1635-1	Black Hills National Cemetery	0.820	54.50	95.6	25	95.6	356.4	452.0
1452-1	Black Hills State College	3.330	25.44	18.5	32	18.5	1,447.5	1,465.9
1096A-1	Butte Meade Sanitary Dist	1.330	0.00	N/A	0	*	*	
2458-2	City of Rapid City	0.800	107.00	101.6	20	101.6	0.0	101.6
2002-1	City of Spearfish	1.330	40.00	N/A	0	80.0	0.0	80.0
2313-2	Coca-Cola Bottling	0.330	3.00	7.3	26	7.3	143.4	150.8
1899-1	Davis Ranches Inc	1.430	100.00	0.0	12	0.0	0.0	0.0
2673-2	Diocese of Rapid City	0.120	7.00	8.3	8	14.0	0.0	14.0
1009-1	Donald F/Ann J Brady	0.780	53.73	31.1	39	31.1	0.0	31.1
1185-1		0.380	22.52	109.1	39	109.1	***	109.1
2286-2	Donald Konechne	0.100	38.50	10.6	27	10.6	0.0	10.6
1707A-1	Elkhorn Ridge @ Frawley Ranches LLC	3.705	100.00	N/A	0	200.0	1,610.5	1,810.5
1707E-1		0.000	0.00	38.3	2	**	**	
1931-1		0.170	3.30	3.0	8	6.6	73.9	80.5
1650-1	Foothill Land & Cattle LLC	0.890	0.00	N/A	0	*	*	*55.9
1945-1	Frawley Ranches LLC	1.110	265.00	46.9	7	530.0	0.0	530.0
1858-1	Glencoe Camp Resort II LLC	0.860	34.00	0.0	15	0.0	373.8	373.8
2593-2	Hart Ranch Development	0.490	72.50	15.2	14	15.2	213.0	228.2
1911-2	Hart Ranch Development Co	0.880	124.00	121.1	27	121.1	382.5	503.6
1725-2	Janice R Crowser	1.070	75.10	2.8	22	1.0	0.0	1.0
2012-1	Jesse Horstmann	0.500	43.50	N/A	0	87.0	0.0	87.0
1923-1	Jim Montieth	0.110	3.00	1.0	9	6.0	47.8	53.8
858-2	John & Heidi McBride	9.360	655.75	7.1	35	6.9	0.0	6.9
1885-1	John T & Veronica Widdoss	0.110	22.00	14.9	4	44.0	35.7	79.7
1223-1	Montana Dakota Land LLC	0.670	263.00	200.4	39	200.4	0.0	200.4
1960-1	One Diamond Inc	1.280	150.00	137.0	5	300.0	556.4	856.4
1363-1	Spearfish Canyon Cntry Cl	0.900	80.10	61.3	34	61.3	0.0	61.3
2106-2	Stuart Rice	0.080	2.80	0.9	26	0.9	34.8	35.6
1842-1	Tom C Davis	0.440	330.00	0.0	16	0.0	0.0	0.0
2741-2	Tubbs Land & Cattle LLC	3.340	567.00	0.0	2	1,134.0	0.0	1,134.0
419-2	Wind Cave National Park	0.150	6.00	N/A	0	12.0	65.2	77.2
Total		43.465	3,817.74			3,394.1	5,340.8	9,754.3

* Discussed in text. **gives additional time to develop 1707A-1. *** Reports all use types in irrigation report

In addition to the potential withdrawals by future use permits described above, two other applications are deferred or held in abeyance. Water Permit Application No. 2585-2 for Southern Black Hills Water System seeks to appropriate 1,600 ac-ft/yr but is deferred for further study. Water Permit Application No. 2685-2 for Powertech, Inc is held in abeyance pending federal permitting and seeks to appropriate 889 ac-ft/yr.

Summary of Statewide Hydrologic Budget

The best available estimate of recharge to the Madison aquifer in South Dakota is approximately 137,000 ac-ft/yr. The estimated withdrawals as described in the Statewide Discharge section are summarized in Table 3. The total estimated withdrawal, including withdrawals reserved for

future use and held, or deferred applications is approximately 64,141 ac-ft/yr. This application may withdraw up to 920 ac-ft/yr, if approved, although irrigation water rights/permits tend not to withdraw their full limit on average. Therefore, based on the statewide hydrologic budget, there is reasonable probability unappropriated water is available for this application.

Table 3: Summary of withdrawals from Madison aquifer rounded to the nearest 1 acre-foot.

Type	Count	Est. Rate (ac-ft/yr)
Irrigation (Table 2)	34	9,754
Volume limit	36	20,892
Diversion Rate limit	89	16,897
<i>Subtotal (authorized to withdraw)</i>	<i>159</i>	<i>47,543</i>
Future use (Table 1)	10	14,109
Deferred/held	2	2,489
Grand total	171	64,141

Local Hydrologic Budget

Carter, et al. [9] divided the area around the Black Hills into 9 Subareas and used streamflow, precipitation, spring flow, estimated ground water flow, and well withdrawal data from 1987 to 1996 for the hydrologic budgets. This application is in Subarea 1 of their report, which extends into Wyoming. The boundaries of the Carter et al. [9] subareas were designed to minimize flow across subarea boundaries, although at the time of the study, there was some net flow from Subarea 1 to Subarea 2 and across other subarea boundaries. Carter et al. [9] estimated the total recharge to the Madison and Minnelusa aquifers in Subarea 1 was 130.7 cfs. Assuming 55% of the recharge goes to the Madison aquifer, the estimated recharge in Subarea 1 is 71.9 cfs, or approximately 52,100 ac-ft/yr [5] [9]. Carter, et al. [9] do not provide values for the recharge area of the Madison and Minnelusa formations for each subarea in their report, so it is possible the proportion of recharge area to those aquifers is different within the subarea. Following the same methods as the Statewide Discharge section, withdrawals from Carter et al. [9] Subarea 1 within South Dakota are shown in Table 4. The total estimated withdrawals including water reserved for future use and excluding withdrawals from Wyoming is approximately 16,862 ac-ft/yr [10] [12]. This application may withdraw up to 920 ac-ft/yr, if approved, although irrigation water rights/permits tend not to withdraw their full limit on average. Therefore, based on this hydrologic budget, there is reasonable probability unappropriated water is available for this application.

Table 4: Madison withdrawals estimated within Carter et al. [9] Subarea 1 in South Dakota [10] [12] rounded to the nearest 1 acre-foot.

Type	Count	Est. Rate (ac-ft/yr)
Irrigation	11	3,823
Volume limit	7	5,379
Diversion rate limit	15	4,336
<i>Subtotal (authorized to withdraw)</i>	33	13,538
Future use	2	3,324
Pending/deferred/held	0	0
Grand total	35	16,862

Observation Wells

Administrative Rule of South Dakota 74:02:05:07 requires that the Water Management Board rely upon the record of observation wells, in addition to other information, to determine that recharge exceeds withdrawals to approve an application. The Water Rights Program maintains 25 observation wells completed into the Madison aquifer [13]. The nearest observation well to this application is LA-87A, located approximately 7 miles south of this application [13]. Water level readings in LA-87A are not reflective of the specific behavior of the aquifer near this application, but they are representative of general behavior of the Madison aquifer. Figure 1 shows water levels measured from the top of the casing in LA-87A [13]. In general, water levels rise during periods of higher-than-average rainfall and decline during periods of lower-than-average rainfall. This means that recharge and natural discharge are the dominant effects in the aquifer and natural discharge is available for capture. Therefore, based on observation well analysis, there is reasonable probability unappropriated water is available for this application.

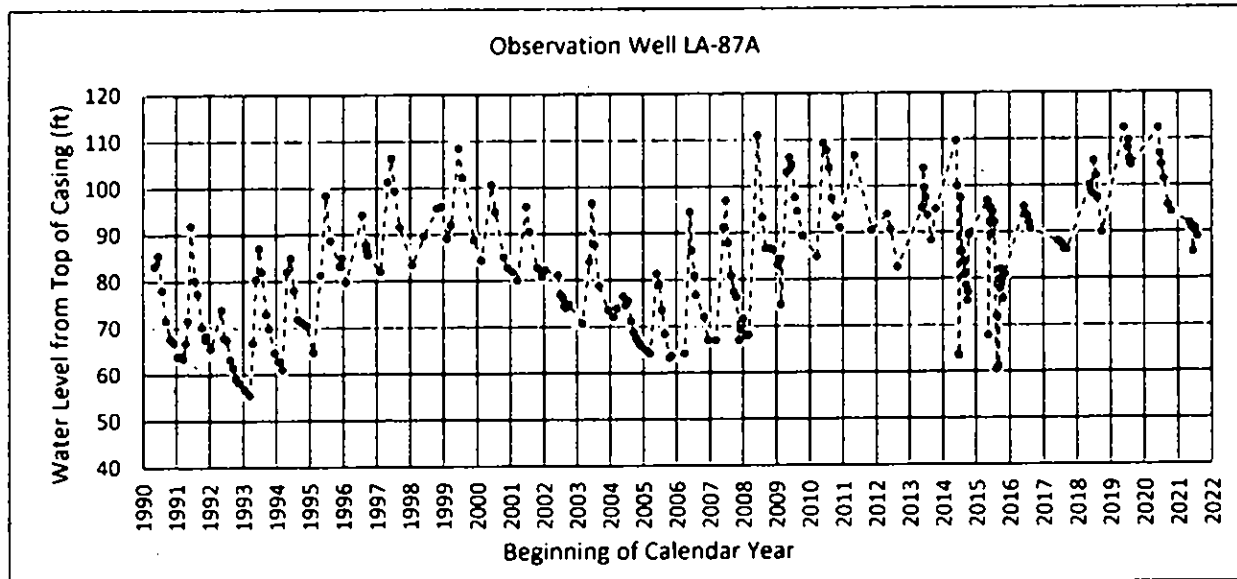


Figure 1: Water level readings in Water Rights Observation Well LA-87A [13]

Possibility of Unlawful Impairment of Existing Water Rights/Permits

The nearest water right/permit to this application that is completed into the Madison aquifer is Water Right No. 1835-1, as described in the Hydrogeologic Characteristics section, located approximately 0.6 miles east of the southern-most proposed well for this application. The nearest domestic well on file with the Water Rights Program is located approximately 1.8 miles east of this application. Figure 2 shows the location of proposed wells for this application, nearby water rights/permits completed into the Madison aquifer (detailed in Table 5), and one nearby observation well completed into the Madison aquifer. The Water Rights Program has historically interpreted an unlawful impairment of existing water rights to occur if a junior water right/permit causes a nearby adequate well with a senior water right/permit to become unable to withdraw at the rate it is entitled to or, if a domestic well is impacted, a water right/permit causes an adequate domestic well to be unable to withdraw at the rate needed to supply reasonable domestic use of water. Administrative Rule of South Dakota (ARSD) 74:02:04:20(6) defines an adequate well as:

...a well constructed or rehabilitated to allow various withdrawal methods to be used, to allow the inlet to the pump to be placed not less than 20 feet into the saturated aquifer or formation material when the well is constructed, or to allow the pump to be placed as near to the bottom of the aquifer as is practical if the aquifer thickness is less than 20 feet

In the hearing for Water Permit Application No. 2313-2 for Coca-Cola Bottling Company, the Water Management Board determined that to put the waters of the state to maximum beneficial use, hydraulic head would not be protected as a means of water delivery [13]. Some drawdown from this application is likely to occur and nearby well owners may need to lower their pumps or install pumps to access the water in the aquifer. The applicant must also control their withdrawals so that nearby water rights/permits and adequate domestic wells are able to withdraw necessary water. There is no record of well interference complaints in Butte County [14]. Observation wells completed into this aquifer near larger appropriative wells show limited drawdown when the large appropriative wells are in use [15]. Given the lack of well interference complaints in this aquifer in Butte County, limited drawdown shown in observation wells completed near larger appropriations, and the abundance of hydraulic head in the aquifer in the area of this application, there is reasonable probability this application can be developed without unlawful impairment of existing water rights.

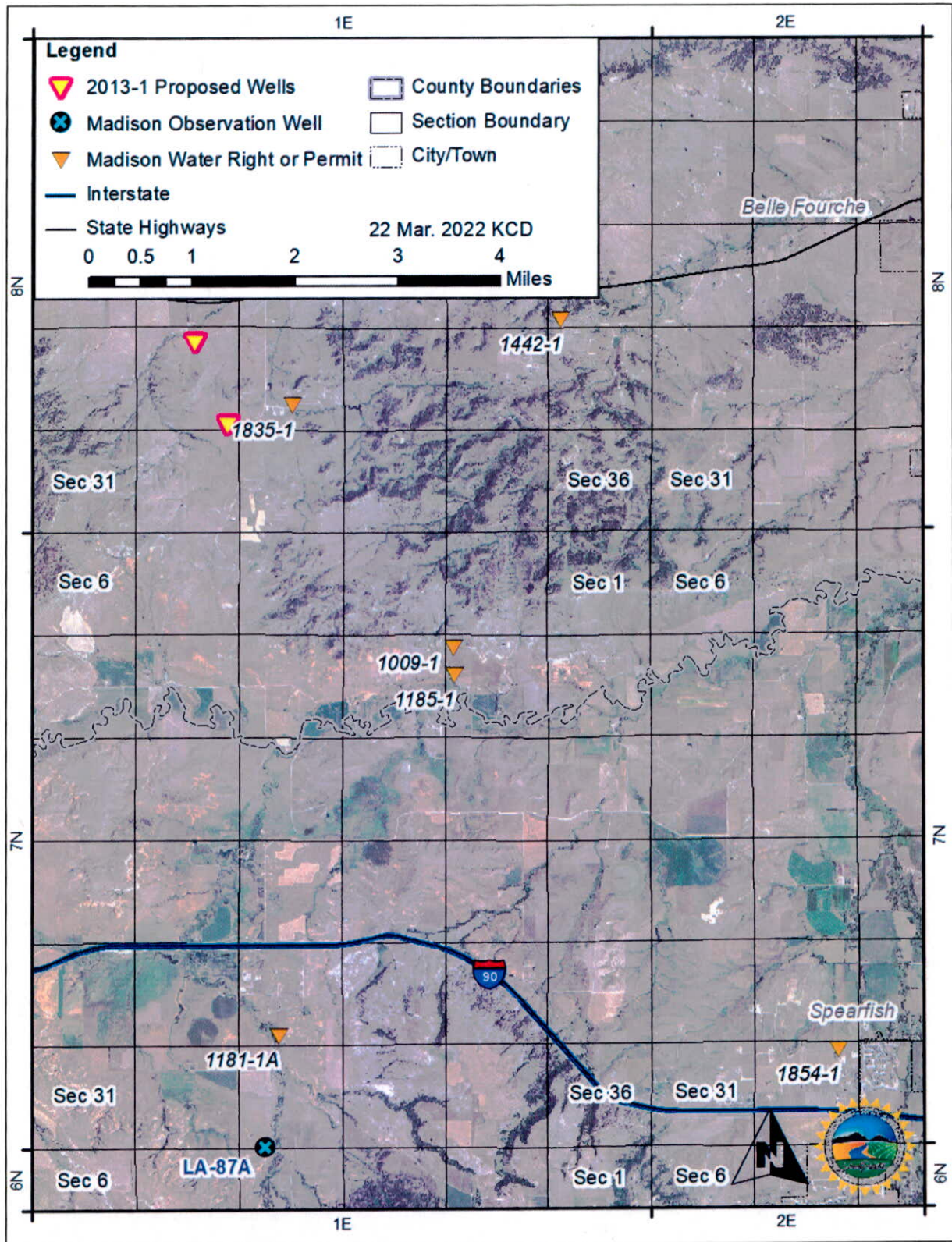


Figure 2: Proposed wells for this application, Madison observation wells [15] and water rights/permits [10]

Table 5: Water rights/permits shown in Figure 2 [10]

Permit No.	Status	Name/Business	Use Types	Max. CFS	Irrigated Acres	Priority
1009-1	License	Donald F/Ann J Brady	IRR	0.780	53.73	02/01/1974
1185-1	License	Donald F/Ann J Brady	IRR, REC	0.380	22.52	01/18/1979
1442-1	License	Grandview Property Owners	SHD, REC	0.095	N/A	05/05/1988
1181-1A	License	Keith/Leland Johnson	IND, COM	0.160	N/A	09/13/1978
1854-1	License	Old Apostolic Lutheran Church of Spearfish	INS	0.170	N/A	11/22/2005
1835-1	License	Wilén Enterprises LLP	SHD, GEO	0.310	N/A	02/07/2005
COM – Commercial, GEO – Geothermal, IND – Industrial, INS – Institutional, IRR – Irrigation, REC – Recreational, SHD – Suburban Housing Development						

Springs

The nearest large spring to this application is Cox Lake spring, located approximately 3.6 miles south of the southern-most proposed well and 4.8 miles south of the northern-most proposed well [16]. Upon considering the deferral of Water Permit Application No. 2585-2 for 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" [17]. Given the distance between the proposed well site and the nearest springs, there is reasonable probability this application can be developed without noticeably impacting flow from the springs.

Conclusions

1. Water Permit Application No. 2013-1 seeks to appropriate 2.22 cfs from two wells to be completed into the Madison Aquifer located in the SE ¼ SE ¼ Section 29 and NW ¼ NE ¼ Section 29 for irrigation of 460 acres located in the N ½ NE ¼ Section 30, E ½ SE ¼ Section 19, S ½ Section 20; N ½ Section 29, S ½ SE ¼ Section 29, W ½ SW ¼ Section 21, W ½ NW ¼ Section 28, and N ½ NW ¼ Section 32; all in T8N-R1E, Black Hills Meridian.
2. Based on the hydrologic budgets and observation well analysis, there is reasonable probability unappropriated water is available for this application.
3. There is reasonable probability this application can be developed without unlawful impairment of existing water rights/permits and domestic uses.
4. There is reasonable probability this application can be developed without noticeably impacting flow from springs in the Black Hills.
5. This application is subject to a 20-year term limit.



Kimberly C. Drennon, E.I.

Natural Resources Engineer II – DANR Water Rights Program

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PETROLEUM RELEASE FUND

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. 2013-1

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 6th day of April, 2022, and the last publication on the _____ day of _____, _____, that the full amount of fees charged for publishing same, to-wit: The sum of \$ 40.28, 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.



Subscribed and sworn to before me this 11th day of Apr., 2022



Notary Public, Lawrence County, South Dakota

My commission expires: 7-18-2025

NOTICE OF
APPLICATION
NO. 2013-1 to
Appropriate Water

Notice is given that Santa Maria Land & Cattle Corp, c/o Elaina Parker, 10150 SD Hwy 34, Belle Fourche SD 57717 has filed an application for a water permit to appropriate 2.22 cubic feet of water per second from two wells to be completed into the Madison Aquifer (approximately 2,500 feet deep) located in the SE 1/4 SE 1/4 Section 29 and NW 1/4 NE 1/4 Section 29 for irrigation of 460 acres located in the N 1/2 NE 1/4 Section 30, E 1/2 SE 1/4 Section 19; S 1/2 Section 20; N 1/2, S 1/2 SE 1/4 Section 29, W 1/2 SW 1/4 Section 21, W 1/2 NW 1/4 Section 28 and N 1/2 NE 1/4 Section 32; all in T8N-R1E. This site is located approximately 8 miles west of Belle Fourche SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2013-1 with qualifications because 1) unappropriated water is available, 2) existing domestic water uses and water rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest as it pertains to matters within the regulatory authority of the Water Management Board. The 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 per-

son 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 April 18, 2022.

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Published once at the total approximate cost of \$41.24.

#245

Apr 6

Schlaak, Karen

From: Schlaak, Karen
Sent: Monday, March 28, 2022 1:11 PM
To: Black Hills Pioneer Spearfish (legals@bhpioneer.com)
Subject: 2013-1, Santa Maria Land & Cattle Corp
Attachments: 2013-1public.short_final.docx; FORM8.FRM.doc

Attached is a notice to be published on April 6, 2022.

Santa Maria Land & Catttle Corp, c/o Elaina Parker, 10150 SD Hwy 34, Belle Fourche SD 57717 (605 569-6634) 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

DANR - Water Rights Program
(605) 773-3352
Website: <https://danr.sd.gov>





**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

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

April 28, 2022

Santa Maria Land & Cattle Corp
c/o Elaina Parker
10150 SD Hwy 34
Belle Fourche SD 57717

Dear Ms. Parker:

Water Permit Application No. 2013-1 for irrigation use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice has been sent to the Black Hills Pioneer printed at Spearfish SD (Ph # 605 642-2761). You will need to contact the newspaper and authorize publication of this notice. For your information, a copy of the notice, the recommendation of the Chief Engineer and report on the application are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

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

Sincerely,

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. 2013-1 to Appropriate Water

Notice is given that Santa Maria Land & Cattle Corp, c/o Elaina Parker, 10150 SD Hwy 34, Belle Fourche SD 57717 has filed an application for a water permit to appropriate 2.22 cubic feet of water per second from two wells to be completed into the Madison Aquifer (approximately 2,500 feet deep) located in the SE 1/4 SE 1/4 Section 29 and NW 1/4 NE 1/4 Section 29 for irrigation of 460 acres located in the N 1/2 NE 1/4 Section 30, E 1/2 SE 1/4 Section 19; S 1/2 Section 20; N 1/2, S 1/2 SE 1/4 Section 29, W 1/2 SW 1/4 Section 21, W 1/2 NW 1/4 Section 28 and N 1/2 NE 1/4 Section 32; all in T8N-R1E. This site is located approximately 8 miles west of Belle Fourche SD.

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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 April 18, 2022.

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.

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APR 15 2022

WATER RIGHTS
PROGRAM

**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

Comment

Concerning Application for a Water Right Permit

Application No. 2013-1 **Name of Applicant** Santa Maria Land & Cattle

The Application No. and applicant's name can be found in the public notice at <https://danr.sd.gov/public>.

Note. Filing a comment does NOT make the commenter a party of record to, or a participant in, any hearing that may be held concerning this application. Your comment will be provided to the Water Management Board and become part of the public record.

Comments concerning this application:

I am the owner of property adjoining the property on this application #2013-1. I question this application because I'm concerned about my existing well that is less than a half mile away. It is large amount of water to be used and it could be detrimental to my well that is used for watering livestock, my well is the only water source for that pasture. The application states it will be used for irrigation, but the applicant is in the process of building a proposed housing development on the same property, which is concerning because of the amount of water that could be used. Please review this application which will probably be used for the housing project and not irrigation of pasture. Thanks for your reconsideration.

Commenter's name and address:

First Name: Mike **Last Name:** Lesmeister
Address: 19345 Upper Redwater Road
City: Belle Fourche **State:** SD **Zip:** 57717

Note. This comment needs to be submitted no later than the deadline date provided in the public notice. The mailing address is provided above, send to "Attention - Water Rights Program" or send via email to DANRmail@state.sd.us.

Application No. 2013-1

Commenter's Name _____

Any additional comments:

**LYNN
JACKSON**

ATTORNEYS

RECEIVED
APR 19 2022
WATER RIGHTS
PROGRAM

110 N. Minnesota Ave., Suite 400
Sioux Falls, SD 57104
Phone (605) 332-5999 • Fax (605) 332-4249

909 Saint Joseph Street, Suite 800
Rapid City, SD 57701
Phone (605) 342-2592 • Fax (605) 342-5185

311 N. 27th Street, Suite 4
Spearfish, SD 57783
Phone (605) 722-9000 • Fax (605) 722-9001

REPLY TO: Spearfish Office
From the offices of Brian S. Baczwaski
e-mail address: bbaczwaski@lynnjackson.com
Sender's Direct Line: 605-722-4618

April 14, 2022

VIA FIRST CLASS MAIL

Santa Maria Land & Cattle Corp.
c/o Elaina Parker
10150 SD Hwy 34
Belle Fourche, SD 57717

Water Rights Program
c/o Chief Engineer Eric Gronlund
Foss Building
523 E. Capitol
Pierre, SD 57501

Re: Wilen Enterprises, LLC – Water Rights
Our File No. 223049-00001

Greetings:

This firm represents Wilen Enterprises, LLP, in relation to its efforts to oppose Santa Maria Land and Cattle Corp.'s Application for a Water Right Permit in Butte County, South Dakota. Enclosed you will find Petition Opposing Application for a Water Right Permit and Contesting Chief Engineer's Recommendation.

While my client seeks to preserve its right to oppose and contest the Chief Engineer's recommendation, this does not mean that it does not wish to keep open lines of communication concerning this matter and a possible resolution of such without the need for a hearing.

Communication and collaboration on the hearing date would be appreciated. Please do not hesitate to reach out to me with any further questions or concerns you may have.

Page 2

Sincerely,

LYNN, JACKSON, SHULTZ & LEBRUN, P.C.

A handwritten signature in blue ink, appearing to be 'BSB', with a dashed line trailing off to the right.

Brian S. Baczwaski

BSB

Encl.: Petition

RECEIVED

APR 19 2022

WATER RIGHTS
PROGRAM

STATE OF SOUTH DAKOTA
DEPARTMENT OF AGRICULTURE AND NATURAL RESOURCES
WATER MANAGEMENT BOARD

IN THE MATTER OF WATER PERMIT
APPLICATION NO. 2013-1, SANTA MARIA
LAND & CATTLE CORP.

**PETITION OPPOSING
APPLICATION FOR A WATER
RIGHT PERMIT AND CONTESTING
CHIEF ENGINEER'S
RECOMMENDATION**

Wilco Enterprises, L.L.P. ("Petitioner"), by and through its attorneys, John R. Frederickson and Brian S. Baczwaski, of Lynn, Jackson, Shultz & Lebrun, P.C., pursuant to SDCL 46-2A-4(5) & (6), hereby submits its Petition Opposing Application for a Water Right Permit and Contesting Chief Engineer's Recommendation.

FACTS

Petitioner is a community public rural water system providing water to certain citizens of Butte County, SD. Petitioner currently conducts retail sales of water to fifteen (15) customers, and wholesale water sales to Sandstone Water Company and Haycreek Water. The total number of customers sourcing water from Petitioner, either from Petitioner directly or Sandstone Water Company and Haycreek Water, is One-Hundred and Sixty One (161). An additional Fifty-Two (52) future customers in the nearby planned Eaton Subdivision brings the potential for customers sourcing water from Petitioner to Two-Hundred and Thirteen (213).

Applicant Santa Maria Land and Cattle Corp.'s ("Applicant") "Application for Permit to Appropriate Water for Irrigation No. 2013-1" ("Application") was filed with the South Dakota's Department of Agriculture and Natural Resources Water Rights Program on January 18, 2022. Chief Engineer Eric Gronlund recommended approval of the Application.

**OPPOSITION AND CONTEST OF
CHIEF ENGINEER'S RECOMMENDATION**

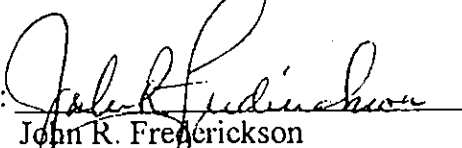
Petitioner opposes the Application and on the grounds that the adverse effects of the proposed wells pursuant to such Application will be unknown until completion and flowing of the wells. Such injury to Petitioner will be unique from any injury suffered by the public in general. The requisite engineering and installation of pumps by Petitioner to overcome any adverse effects of such wells could potentially take months to do so. Such delay could result in the interruption of water services to all persons sourcing water from Petitioner. The draw down of the Madison Aquifer could result in the loss of available water for Petitioner and its many water users.

WHEREBY, Petitioner requests the following:

1. The Chief Engineer cancel the original hearing on the Application.
2. The Chief Engineer reschedule such hearing on the Application in accordance with SDCL 46-2A-5 and 46-2A-23.

Dated April 14, 2022.

LYNN, JACKSON, SHULTZ & LEBRUN, P.C.

By: 

John R. Frederickson

Brian S. Baczowski

Attorneys for Petitioner

311 North 27th Street, Suite 4

Spearfish, SD 57783-3213

605-722-9000

jfrederickson@lynnjackson.com

bbaczowski@lynnjackson.com

CERTIFICATE OF SERVICE

I hereby certify that on April 14, 2022, I sent to:

Santa Maria Land & Cattle Corp.
c/o Elaina Parker
10150 SD Hwy 34
Belle Fourche, SD 57717

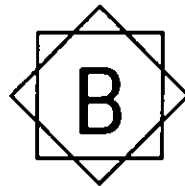
Water Rights Program
c/o Chief Engineer Eric Gronlund
Foss Building
523 E. Capitol
Pierre, SD 57501

by First Class Mail, a true and correct copy of **Petition Opposing Application for a Water Right Permit and Contesting Chief Engineer's Recommendation** relative to the above-entitled matter.

/s/ John R. Frederickson

John R. Frederickson

RAPID CITY OFFICE
333 West Boulevard
Suite 400
Rapid City, SD 57701
(605) 343.1040
FAX (605) 343.1503



BANGS MCCULLEN

BANGS, MCCULLEN, BUTLER, FOYE & SIMMONS, L.L.P.

SIOUX FALLS OFFICE
6340 S. Western Avenue
Suite 160
Sioux Falls, SD 57108
(605) 339.6800
FAX (605) 339.6801

May 25, 2022

Erin Schoenbeck Byre
Email: erin@bangsmccullen.com

Water Rights Program.
Chief Engineer Eric Gronlund
Foss Building
523 E Capitol
Pierre, SD 57501

RECEIVED
MAY 27 2022
OFFICE OF
WATER

Re: Santa Maria Land & Cattle Corporation, Application Number 2013-1

To Whom it May Concern,

I represent the Santa Maria Land & Cattle Corporation in its contested application for a permit to appropriate water for irrigation, No. 2013-1. I attach the public notice and application for your convenience. Accordingly, I request that all future notices or communications regarding this matter be mailed or e-mailed to me at the above-listed address.

Thank you in advance for your assistance and please let me know if you have any questions.

Gratefully,

**BANGS, MCCULLEN, BUTLER,
FOYE & SIMMONS, L.L.P.**

Erin Schoenbeck Byre

ESB:ad
Enclosures



NOTICE OF APPLICATION NO. 2013-1 to Appropriate Water

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Published once at the total approximate cost of_

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

FILE COPY

RECEIVED

JAN 18 2022

**WATER RIGHTS
PROGRAM**

Mail to: DENR - Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. <u>2013-1</u>	(office use only) Hydrologic Unit <u>10120203</u>
	Basin <u>Belle Fourche</u>	
	Newspaper <u>Black Hills Pioneer 642-2761</u>	

Application For Permit To Appropriate Water For Irrigation

Type of Application: ☐ New ☐ Vested Right ☐ Amendment/Correction to Permit No. _____
(Use predates Mar 2, 1955)

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

NEW APPLICATION

1. Name to Appear on Irrigation Permit SANTA MARIA LAND & CATTLE CORP

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

Mailing Address 10150 S.D. HWY 34, BELLE FOURCHE S.D. 57717

(Address)

(City)

(State)

(Zip Code)

Phone 605 569 6634

Mobile _____

Email remorris1@gmail.com

2. Amount of water claimed 2.22 *CFS or 1000 **GPM ***AF Total Acreage 430 ~~460~~
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)

3. Source of water supply YET TO BE DRILLED WELL, MADISON AQUIFER

4. Location of point of diversion 1 WELL IN SE 1/4 SEC 29, T8N, R 1E AND (SE 1/4 SE 1/4)

1 WELL IN S 1/4 OF SEC 20, T8N, R1E

(example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)

(NW 1/4 NE 1/4)

County BUTTE

5. County or counties where water will be used BUTTE

6. Annual period during which water is to be used MAY 1 - NOV 15

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
N1/2 OF NE 1/4 SEC 30, 8N,1E	65	SW1/4 OF SW1/4 SEC 21 8N,1E	20
SE1/4 OF SE1/4 SEC 19, 8N,1E	40	W1/2 OF NW1/4 SEC 28, 8N, 1E	25
S1/2 OF S1/2 SEC 20, 8N1E	100	S1/2 OF SE1/4 SEC 29, 8N,1E	50
N1/2 OF N1/2 OF SEC 29, 8N,1E	130	<u>N 1/2 NE 1/4 Sec 32-T8N-R1E</u>	<u>30</u>

Give a description of the project. Develop wells for irrigated pasture. Soils are classified as irrigable soils per NRCS. Wells are

to be deep wells into the Madison Aquifer.

7.

9 W Belle Fourche

I, SANTA MARIA LAND&CATTLE CORP, ELAINA PARKER, PRES., the applicant, certify under

Name of Person

Title (if applicable)

penalty of perjury that I have read this application, examined the attached map, and that the matters stated are true. I further certify, if

acting on behalf of an entity or individual other than myself, that I am authorized to submit this application.

2015-10

Attachments: Attach Form 2A if diversion is from a well or dugout, or if storage of water is proposed. Also, attach map and any other technical information. (see instructions)

 President 1/14/22
Santa Maria Land Cattle Corp.

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 NO Drilled by NOT YET DRILLED
OR 2 NEW WELLS

(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) 2500 Depth to Top of Water Bearing Material ?? Depth to Water from Surface ??

d) Distance to nearest domestic well on applicant's property 1 MI Property owned by others 3/4 MI

2. Wastewater Disposal System Information

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

b) System Capacity (gallons) 1500 Year Constructed 1960'S ???

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)

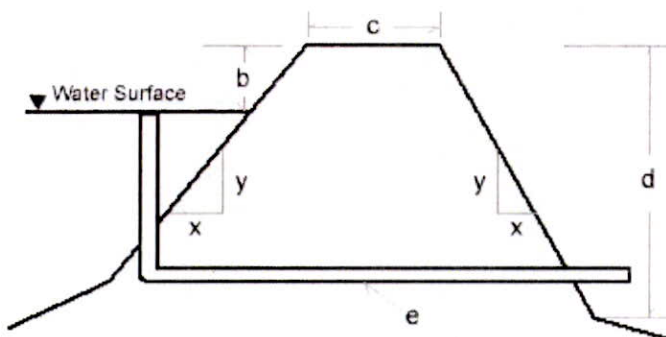
Upstream

Downstream

h) Surface Area of Impoundment

i) Storage Acre Feet

j) Drainage Area Above Dam Acres



7

8

9

SANTA MARIA
LAND & CATTLE CO. CO.



IRRIGABLE
LANDS

18

17

16

19

20

8N 1E

21

30

29

28

31

32

33

6

7N 1E

4

**SANTA MARIA
LAND & CATTLE CORP**

Cree Slaughter Reservoir

**CROOK CO
BUTTE CO**

BLACK HILLS

**Hay
Well**

**Riley
Ranch**

**Robinson
Ranch**

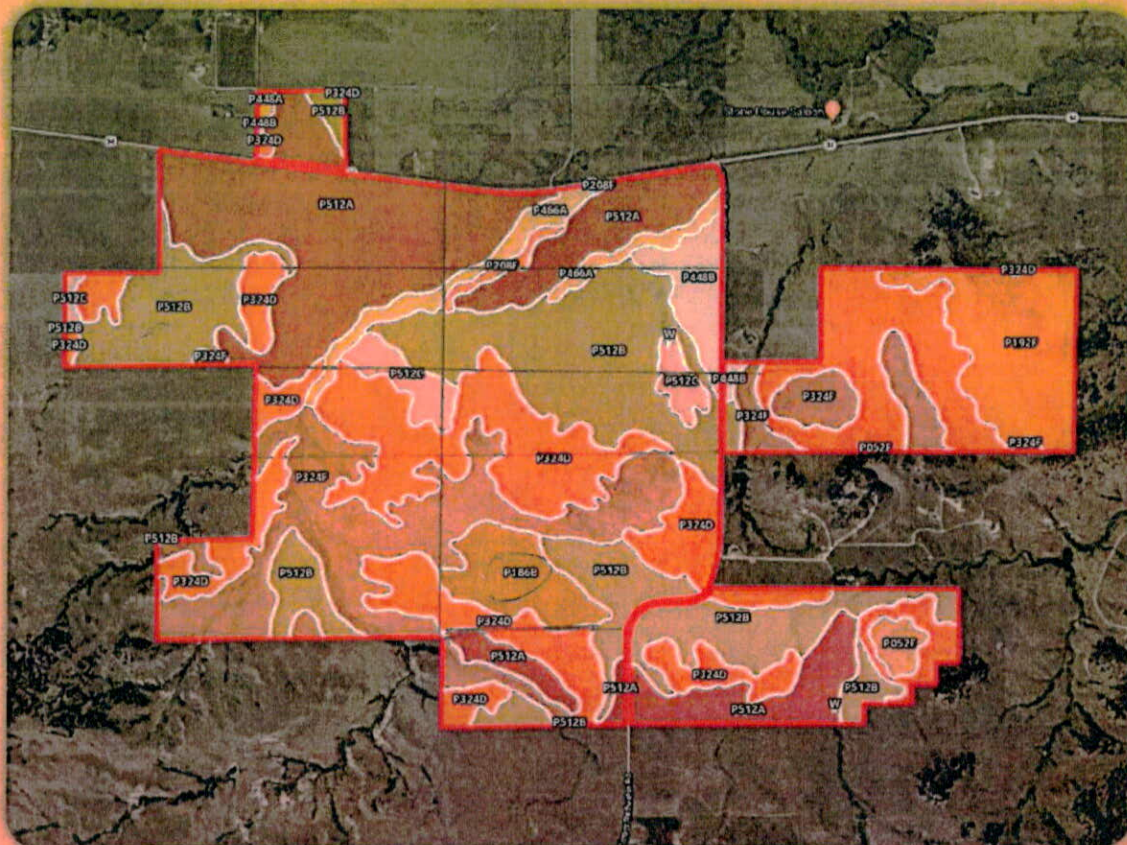
**Cooder
Ranch**

**9 Jessie
Ranch**

8 N 1 E

BEULAH

Soils Map



SOIL CODE	SOIL DESCRIPTION	ACRES	%	CPI	CAP
P512B	Thirtynine silt loam, 2 to 6 percent slopes	379.5	22.24	78	3e
P324D	Pierre-Fairburn-Ucross complex, moist, 6 to 25 percent slopes	432.4	25.34	23	6e
P448B	Savo silty clay loam, moist, 2 to 6 percent slopes	35.6	2.08	80	3e
P448A	Savo silty clay loam, moist, 0 to 2 percent slopes	2.1	0.12	86	3s
P512A	Thirtynine silt loam, 0 to 2 percent slopes	354.4	20.77	90	3c
W	Water	0.8	0.05	0	8
P512C	Thirtynine silt loam, 6 to 9 percent slopes	35.6	2.09	72	4e
P208F	Lismas, moist-Badland, shale complex, 25 to 50 percent slopes	7.7	0.45	8	7e
P466A	Sodawells-Rockypoint complex, moist, channeled, 0 to 3 percent slopes, rarely flooded	39.0	2.29	27	6w
P186B	Kyle clay, moist, 2 to 6 percent slopes	48.5	2.84	53	4e
P324F	Pierre-Fairburn-Ucross complex, moist, 10 to 50 percent slopes	264.6	15.51	7	7e
P192F	Lakoa-Colby, cool silt loams, 9 to 50 percent slopes	95.1	5.57	6	7e
P052F	Butche, moist-Rock outcrop complex, 25 to 50 percent slopes	11.1	0.65	0	7s
TOTALS		1706.3	100%	48.73	4.77

This Black Hills Ranch has an excellent soil rating.



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

May 25, 2022

NOTICE OF HEARING

TO: Elaina Parker, President
Santa Maria Land & Cattle Corp.
10150 SD Hwy 34
Belle Fourche SD 57717

Lynn, Jackson, Shultz & Lebrun, P.C.
John R. Frederickson and Brian S.
Baczowski – Attorneys for Petitioner
311 North 27th Street, Suite 4
Spearfish SD 57783-3213

Ann Mines Bailey, Assistant Attorney General
1302 East Highway 14, Suite 1
Pierre SD 57501-8501

FROM: Eric Gronlund, Chief Engineer *Eric Gronlund*
SD DANR, Water Rights Program

SUBJECT: Notice of Hearing on Water Permit Application No. 2013-1, Santa Maria Land & Cattle Corp.

A petition has been filed in the matter of Water Permit Application No. 2013-1 in response to the Notice of Application published in the Black Hills Pioneer on April 6, 2022. This notice schedules a hearing on Application No. 2013-1 before the South Dakota Water Management Board.

Water Permit Application No. 2013-1 proposes to appropriate 2.22 cubic feet of water per second from two wells to be completed into the Madison Aquifer (approximately 2,500 feet deep) located in the SE 1/4 SE 1/4 Section 29 and NW 1/4 NE 1/4 Section 29 for irrigation of 460 acres located in the N 1/2 NE 1/4 Section 30, E 1/2 SE 1/4 Section 19; S 1/2 Section 20; N 1/2, S 1/2 SE 1/4 Section 29, W 1/2 SW 1/4 Section 21, W 1/2 NW 1/4 Section 28 and N 1/2 NE 1/4 Section 32; all in T8N-R1E.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends approval of Application No. 2013-1 with qualifications because 1) unappropriated water is available, 2) existing domestic water uses and water rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest as it pertains to matters within the regulatory authority of the Water Management Board.

The Water Management Board will conduct a hearing to consider Application No. 2013-1 at 11:00 AM (Central Time), on Wednesday, July 6, 2022, at the Floyd Matthew Training Center, Joe Foss Building, 523 E. Capitol Avenue, Pierre SD. The time is an estimate and may be delayed due to prior items on the agenda. Notice will be provided if there is a change in the time or date of the hearing.

The Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny the application after it reaches a conclusion based on the facts presented at the public hearing.

The July 6, 2022 hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from the applicant or any person who has filed a petition opposing the application. A request for an automatic delay must be filed by **June 6, 2022**. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol Ave, Pierre SD 57501." If an automatic delay is requested, the hearing will be rescheduled for a future Board meeting and personal notice will be provided to the applicant and the petitioner's legal counsel regarding the time, date, and location.

The hearing is an adversary proceeding and any party has the right to be present at the hearing and may be represented by legal counsel. As a legal entity (Santa Maria Land & Cattle Corp.), the applicant, is required to be represented by legal counsel in this administrative proceeding. These and other due process rights will be forfeited if they are not exercised at the hearing. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

Enclosed is a copy of the report, recommendation, affidavit of publication, and the petition filed in the matter of Water Permit Application No. 2013-1. State law directs the Chief Engineer to provide Water Management Board members with a copy of all pleadings including petitions for each proceeding. The information being provided to you is also being sent to the Board members in advance of the hearing. Notices, orders, and other pleadings filed in this matter are posted on DANR's contested case page at <https://danr.sd.gov/public/ContestedCase.aspx>. In addition, enclosed are two documents intended to acquaint parties with the hearing process entitled "Procedure for Hearings before the Water Management Board" and "Summary of South Dakota Water Laws and Rules." If you intend to participate in the hearing, you are encouraged to review these documents prior to the hearing.

Contact Ron Duvall at the above Chief Engineer's address to request a copy of the staff report, recommendation, application, or other information related to the application. Notice is given to individuals with disabilities that this hearing is being held in a physically accessible place. Please notify the Department of Agriculture and Natural Resources at least 48 hours before the hearing if you have a disability for which special arrangements must be made at the hearing. The telephone number for making arrangements is (605) 773-3352.

Under SDCL 1-26-17(7) notices must state that "if the amount in controversy exceeds \$2,500.00 or if a property right may be terminated, any party to the contested case may require the agency to use the Office of Hearing Examiners by giving notice of the request to the agency no later than ten days after service of a notice of hearing issued pursuant to SDCL 1-26-17." This is a Notice of Hearing, service is being provided by direct mail to you, and the applicable date to give notice to the Chief Engineer is June 2, 2022. However, since this particular matter is a water permit application and not a monetary controversy in excess of \$2,500.00 or termination of a property right, the Chief Engineer disputes the applicability of this provision and maintains that the hearing must be conducted by the Board.

As applicable, the following provides the legal authority and jurisdiction under which the hearing will be held and the particular statutes and rules pertaining to this application: SDCL 1-26-16 thru 1-26-28; SDCL 46-1-1 thru 46-1-9, 46-1-13 thru 46-1-16; 46-2-3.1, 46-2-9, 46-2-11, 46-2-17; 46-2A-1 thru 46-2A-12, 46-2A-14, 46-2A-15, 46-2A-20, 46-2A-21, 46-2A-23; 46-5-1.1, 46-5-2 thru 46-5-26, 46-5-30.2 thru 46-5-30.4, 46-5-31 46-5-32 thru 46-5-34.1, 46-5-38 thru 46-5-39, 46-5-46, 46-5-47, 46-5-49; 46-6-1 thru 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14, 46-6-21, 46-6-26; Board Rules ARSD 74:02:01:01 thru 74:02:01:24.02 and ARSD Chapter 74:02:04.

Questions regarding the hearing process may be directed to Ron Duvall, Water Rights Program at (605) 773-3352 or ron.duvall@state.sd.us.

CERTIFICATION

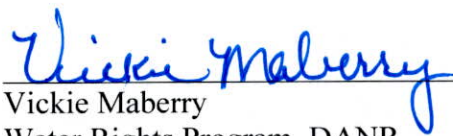
The undersigned hereby certifies under the penalty of perjury that a true and correct copy of a Notice of Hearing dated May 25, 2022, with attachments regarding Water Permit Application No. 2013-1 – Santa Maria Land & Cattle Corp., was served upon the following by enclosing the same in envelopes with first class postage prepaid and affixed thereto, and depositing said envelopes in the United States mail on May 25, 2022.

Elaina Parker, President
Santa Maria Land & Cattle Corp.
10150 SD Hwy 34
Belle Fourche SD 57717

Lynn, Jackson, Shultz & Lebrun, P.C.
John R. Frederickson and Brian S. Baczwaski – Attorneys for Petitioner
311 North 27th Street, Suite 4
Spearfish SD 57783-3213

Above also Sent Inter-office to:

Ann Mines Bailey, Assistant Attorney General
1302 East Highway 14, Suite 1
Pierre SD 57501-8501

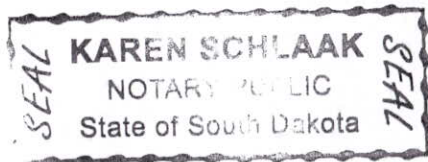

Vickie Maberry

Water Rights Program, DANR

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 25th day of May, 2022.


Karen Schlaak
Notary Public
My Commission expires April 1, 2025



RECEIVED

JUN 06 2022

STATE OF SOUTH DAKOTA
DEPARTMENT OF AGRICULTURE AND NATURAL RESOURCES
WATER MANAGEMENT BOARD

OFFICE OF
WATER

In the Matter of Water Permit
Application No. 2013-1, Santa
Maria Land & Cattle Corp.

)
)
) **APPLICANT'S REQUEST FOR**
) **CONTINUANCE**
)
)
)

Applicant, Santa Maria Land and Cattle Corp., through its attorney of record, Erin Schoenbeck Byre, requests that the Chief Engineer delay the July 6, 2022, hearing for at least 20 days.

Dated this June 1, 2022.

BANGS, McCULLEN, BUTLER,
FOYE & SIMMONS, L.L.P.

By: /s/ Erin Schoenbeck Byre
Erin Schoenbeck Byre
(Erin@bangsmccullen.com)
333 West Boulevard, Ste. 400
P.O. Box 2670
Rapid City, SD 57709
Telephone: (605) 343-1040
Facsimile: (605) 343-1503
ATTORNEY FOR APPLICANT

Certificate of Service

I certify that, on June 1, 2022, I served copies of this document upon each of the listed people below by the following means:

- | | | | |
|-------------------------------------|------------------|-------------------------------------|----------------|
| ☐ | First Class Mail | ☐ | Odyssey |
| ☐ | Hand Delivery | ☒ | Overnight Mail |
| ☒ | Electronic Mail | ☐ | ECF System |

WATER RIGHTS PROGRAM
Chief Engineer Eric Gronlund
Foss Building
523 E. Capitol
Pierre, SD

ATTORNEY FOR OPPONENTS
John F. Frederickon
Brian S. Baczwaski
Lynn, Jackson, Schultz & Lebrun, P.C.
311 North 27th St., Suite 4
Spearfish, SD 57783

/s/ Erin Schoenbeck Byre
Erin Schoenbeck Byre



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

June 6, 2022

NOTICE

TO: Bangs, McCullen, Butler, Foye & Lynn, Jackson, Shultz & Lebrun, P.C.
 Simmons, LLP John R. Frederickson and Brian S.
 Erin Schoenbeck Byre Baczowski – Attorneys for Petitioner
 333 West Boulevard, Ste. 400 311 North 27th Street, Suite 4
 Rapid City, SD 57709 Spearfish SD 57783-3213

 Ann Mines Bailey, Assistant Attorney General
 1302 East Highway 14, Suite 1
 Pierre SD 57501-8501

FROM: *for* Eric Gronlund, Chief Engineer *Ron Duvall*
 SD DANR, Water Rights Program

SUBJECT: Automatic Delay of Hearing on Water Permit Application No. 2013-1, Santa Maria Land
 & Cattle Corp.

A petition has been filed in the matter of Water Permit Application No. 2013-1 in response to the Notice of Application published in the Black Hills Pioneer on April 6, 2022. A Notice of Hearing dated May 25, 2022, was sent to the applicant and the petitioner's legal counsel. The notice scheduled a hearing before the Water Management Board on July 6, 2022, concerning Application No. 2013-1.

In response to this notice, the applicant's legal counsel filed a request for a delay of the July 6, 2022 hearing date. The request for a delay was dated June 1, 2022, and meets the June 6, 2022 filing deadline. Pursuant to SDCL 46-2A-5 and the Notice of Hearing dated May 25, 2022, this request for a delay is construed as written notice to the chief engineer requesting an automatic delay of the July 6, 2022 hearing date. Therefore, the hearing on Application No. 2013-1 is automatically delayed pursuant to SDCL 46-2A-4 and 46-2A-5 and will NOT be held on July 6, 2022.

The hearing to consider Application No. 2013-1 is now tentatively scheduled for the October 5th and 6th, 2022 Water Management Board meeting. The Board will formalize the October 2022 meeting dates at the July 6th and 7th, 2022 meeting. Future notice of the time and place of the hearing for Application No. 2013-1 will be provided.

Notices, orders, and other pleadings filed in the matter of Water Permit Application No. 2013-1 are posted on DANR's contested case page at <https://danr.sd.gov/public/ContestedCase.aspx>.

Questions regarding the hearing process may be directed to Ron Duvall, Water Rights Program at (605) 773-3352 or ron.duvall@state.sd.us.

CERTIFICATION

The undersigned hereby certifies under the penalty of perjury that a true and correct copy of a Notice dated June 6, 2022, to delay the hearing on Water Permit Application No. 2013-1 – Santa Maria Land & Cattle Corp., was served upon the following by enclosing the same in envelopes with first class postage prepaid and affixed thereto, and depositing said envelopes in the United States mail on June 6, 2022.

Bangs, McCullen, Butler, Foye & Simmons, LLP
Erin Schoenbeck Byre
333 West Boulevard, Ste. 400
Rapid City, SD 57709

Lynn, Jackson, Shultz & Lebrun, PC
John R. Frederickson and Brian S. Baczwaski
311 North 27th Street, Suite 4
Spearfish SD 57783-3213

Above also Sent Inter-office to:

Ann Mines Bailey, Assistant Attorney General
1302 East Highway 14, Suite 1
Pierre SD 57501-8501

Vickie Maberry
Vickie Maberry
Hwy 81, Box 100, DANE

Water Rights Program, DANR

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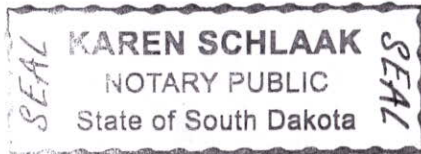
Sworn to, before me, this 6th day of June, 2022.

Karen Schlabak

Karen Schlaak

Notary Public

My Commission expires April 1, 2025



**LYNN
JACKSON**
ATTORNEYS

110 N. Minnesota Ave., Suite 400
Sioux Falls, SD 57104
Phone (605) 332-5999 • Fax (605) 332-4249

909 Saint Joseph Street, Suite 800
Rapid City, SD 57701
Phone (605) 342-2592 • Fax (605) 342-5185

311 N. 27th Street, Suite 4
Spearfish, SD 57783
Phone (605) 722-9000 • Fax (605) 722-9001

REPLY TO: Spearfish Office
From the offices of John R. Frederickson
e-mail address: jfrederickson@lynnjackson.com

July 27, 2022

Ann F. Mines Bailey
Assistant Attorney General
Office of Attorney General
1302 E. Highway 1, Suite 1
Pierre, SD 57501

Eric Gronlund, Chief Engineer
Dept. of Agriculture & Natural Resources
Water Rights Program
Joe Foss Building
523 E. Capitol
Pierre, SD 57501

Re: In the Matter of Water Permit Application No. 2013-1
Santa Marie Land & Cattle Corp

Dear Ann & Eric:

Enclosed is Wilen Enterprises, LLP's Withdrawal of Petition Opposing Application for a Water Right Permit and Contesting Chief Engineer's Recommendation regarding the above-referenced matter. In the event that the water permit application is approved, Wilen Enterprises, LLP would simply request that the permit contain the appropriate restriction that will protect the integrity and prior water rights and the capacity of its existing well which serves numerous residential properties in the immediate area.

Should you have any questions, please feel free to contact me.

Sincerely,

LYNN, JACKSON, SHULTZ & LEBRUN, P.C.



John R. Frederickson

Enc.

cc: Dean Wilen
Erin Schoenbeck Byre

RECEIVED

JUL 29 2022

**OFFICE OF
WATER**

STATE OF SOUTH DAKOTA
DEPARTMENT OF AGRICULTURE AND NATURAL RESOURCES
WATER MANAGEMENT BOARD

**IN THE MATTER OF WATER PERMIT
APPLICATION NO. 2013-1, SANTA
MARIA LAND & CATTLE CORP.**

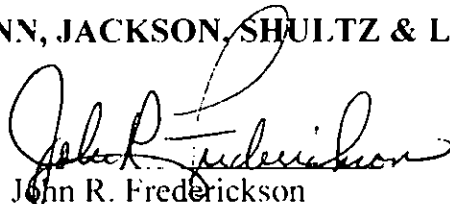
**WITHDRAWAL OF
PETITION OPPOSING APPLICATION
FOR A WATER RIGHT PERMIT AND
CONTESTING CHIEF ENGINEER'S
RECOMMENDATION**

Notice is hereby given that Wilen Enterprises, LLP, by and through its attorneys, John R. Frederickson and Brian S. Baczwaski of Lynn, Jackson, Shultz & Lebrun, P.C., hereby withdraws its Petition Opposing Application for a Water Right Permit and Contesting Chief Engineer's Recommendation dated April 14, 2022, and filed in the above-referenced proceedings.

Dated July 27, 2022.

LYNN, JACKSON, SHULTZ & LEBRUN, P.C.

By:



John R. Frederickson

Brian S. Baczwaski

Attorneys for Petitioner .

311 North 27th Street, Suite 4

Spearfish, SD 57783-3213

605-722-9000

jfrederickson@lynnjackson.com

bbaczwaski@lynnjackson.com

CERTIFICATE OF SERVICE

I hereby certify that on July 27, 2022 I sent to:

Santa Maria Land & Cattle Corp.
c/o Elaina Parker
10150 SD Hwy 34
Belle Fourche, SD 57717

Eric Gronlund, Chief Engineer
Dept. of Agriculture & Natural Resources
Water Rights Program
Joe Foss Building
523 E. Capitol
Pierre, SD 57501

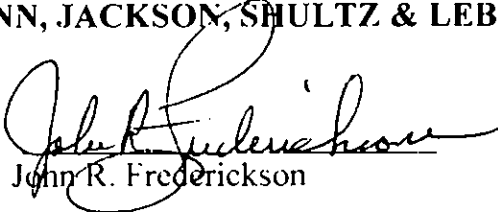
Ann F. Mines Bailey
Assistant Attorney General
Office of Attorney General
1302 E. Highway 1, Suite 1
Pierre, SD 57501

Erin Schoenbeck Byre
Bangs, McCullen, Butler, Foye & Simmons, LLP
P.O. Box 2670
Rapid City, SD 57709

by First Class Mail, a true and correct copy of **Withdrawal of Petition Opposing Application for a Water Right Permit and Contesting Chief Engineer's Recommendation** relative to the above-entitled matter.

LYNN, JACKSON, SHULTZ & LEBRUN, P.C.

By:


John R. Frederickson

RECEIVED

AUG 08 2022

OFFICE OF
WATER

STATE OF SOUTH DAKOTA
DEPARTMENT OF AGRICULTURE AND NATURAL RESOURCES
WATER MANAGEMENT BOARD

In the Matter of Water Permit
Application No. 2013-1, Santa
Maria Land & Cattle Corp.

)
)
) **APPLICANT'S SUPPORT OF**
) **WITHDRAWAL AND**
) **REQUEST TO WAIVE**
) **HEARING**
)

Applicant, Santa Maria Land & Cattle Corp., through its attorney of record, Erin Schoenbeck Byre, notices its support of the Motion and/or Withdrawal of Wilen Enterprises, LLP's objection to Santa Maria Land & Cattle Corps.' Water Permit Application Number 2013-1. Accordingly, Santa Maria Land & Cattle Corp. requests that the Board issue the water permit and waive the hearing on the matter.

Dated this August 4, 2022.

BANGS, MCCULLEN, BUTLER,
FOYE & SIMMONS, L.L.P.

By: /s/ Erin Schoenbeck Byre

Erin Schoenbeck Byre
(Erin@bangsmccullen.com)
333 West Boulevard, Ste. 400
P.O. Box 2670
Rapid City, SD 57709
Telephone: (605) 343-1040
Facsimile: (605) 343-1503

ATTORNEY FOR APPLICANT

Certificate of Service

I certify that, on August 4, 2022, I served copies of this document upon each of the listed people below by the following means:

- | | | | |
|-------------------------------------|------------------|--------------------------|----------------|
| ☒ | First Class Mail | ☐ | Odyssey |
| ☐ | Hand Delivery | ☐ | Overnight Mail |
| ☒ | Electronic Mail | ☐ | ECF System |

WATER RIGHTS PROGRAM
Chief Engineer Eric Gronlund
Foss Building
523 E. Capitol Ave.
Pierre, SD 57501

Ann F. Mines Bailey
1302 E Hwy 14 Suite 1
Pierre SD 57501

ATTORNEY FOR OPPONENTS
John F. Frederickon
Brian S. Baczwaski
Lynn, Jackson, Schultz & Lebrun, P.C.
311 North 27th St., Suite 4
Spearfish, SD 57783

/s/ Erin Schoenbeck Byre
Erin Schoenbeck Byre

STATE OF SOUTH DAKOTA



OFFICE OF ATTORNEY GENERAL

1302 East Highway 14, Suite 1
Pierre, South Dakota 57501-8501

Phone (605) 773-3215

Fax (605) 773-4106

<http://atg.sd.gov>

MARK A. VARGO
ATTORNEY GENERAL

CHARLES D. McGUIGAN
CHIEF DEPUTY ATTORNEY GENERAL

August 8, 2022

Hand Delivered

Rodney Freeman, Prehearing Chairman
DANR – Water Management Board
Joe Foss Building
523 East Capitol Avenue
Pierre, SD 57501

Re: *In the Matter of the Water Permit Application No. 2013-1, Santa Maria
Land & Cattle Corp.*

Dear Chairman Freeman:

Enclosed please find a copy of the Motion to Dismiss, proposed Order Granting Motion to Dismiss and Certificate of Service in the above-entitled matter.

Respectfully,

A handwritten signature in blue ink, appearing to read "Ann F. Mines Bailey".

Ann F. Mines Bailey
Assistant Attorney General

AFM/mb

Enclosures

cc w/encs: Ron Duvall (by hand-delivery)
David McVey (by hand-delivery)
Erin Schjoenbeck Byre (by U.S. mail)
John R. Frederickson and
Brian S. Baczwaski (by U.S. mail)

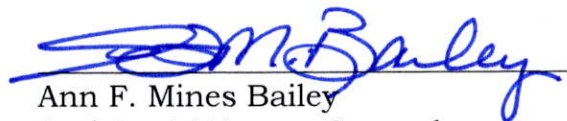
STATE OF SOUTH DAKOTA
DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES
WATER MANAGEMENT BOARD

IN THE MATTER OF WATER	)	
APPLICATION NO. 2013-1, Santa	)	MOTION
Maria Land & Cattle Corp.	)	TO DISMISS
	)	

The South Dakota Department of Agriculture and Natural Resources Water Rights Program respectfully moves the Board's duly appointed prehearing chairman, Rodney Freeman, for an order of dismissal of the contested case proceedings and authorization to the Chief Engineer to issue the permit in the above-entitled matter.

Applicant seeks an appropriation of 2.22 cfs from a well to be completed into the Madison aquifer for purposes of irrigation near Belle Fourche, SD. The Chief Engineer recommended approval and the matter was public noticed. In response to the public notice, one petition in opposition was filed by Wilen Enterprises, LLP. The matter was initially scheduled for hearing on July 6, 2022 but rescheduled for the Board's October meeting after one of the parties exercised the statutory right to delay. On July 29, 2022, Water Rights received a notice of withdrawal of the petition opposing the Chief Engineer's recommendation. As a result, the Chief Engineer now requests that this matter be dismissed, and he be authorized to grant the permit in accordance with his recommendation.

Dated this 8th day of August 2022.



Ann F. Mines Bailey
Assistant Attorney General
Mickelson Criminal Justice Center
1302 East Highway 14, Suite 1
Pierre, South Dakota 57501
Telephone: (605) 773-3215

STATE OF SOUTH DAKOTA
DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES

WATER MANAGEMENT BOARD

IN THE MATTER OF WATER	)	
APPLICATION NO. 2013-1, Santa	)	ORDER GRANTING
Maria Land & Cattle Corp.	)	MOTION TO DISMISS
	)	

Upon review of the Chief Engineer's Motion to Dismiss and the
Petitioner's Notice of Withdrawal, it is hereby

ORDERED that the contested case proceedings in the above-entitled
matter are dismissed.

IT IS FURTHER ORDERED that the Chief Engineer may grant the permit
in accordance with his proposed recommendation.

Dated this day of August 2022.

Rodney Freeman, Prehearing Chair

STATE OF SOUTH DAKOTA
DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES
WATER MANAGEMENT BOARD

IN THE MATTER OF WATER	)	
APPLICATION NO. 2013-1, Santa	)	CERTIFICATE OF SERVICE
Maria Land & Cattle Corp.	)	
	)	

The undersigned hereby certifies that true and correct copies of the Motion to Dismiss and proposed Order Granting Motion to Dismiss, in the above matter, were served by U.S. mail, first class, postage prepaid, upon the following on this 8th day of August 2022:

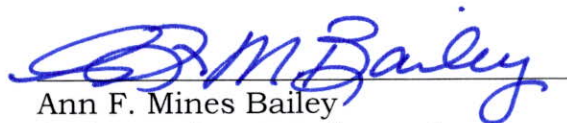
Erin Schoenbeck Byre
Bangs, McCullen, Butler,
Foye & Simmons, LLP
333 West Boulevard, Ste. 400
Rapid City, SD 55709

Attorney for Applicant

John R. Frederickson and
Brian S. Baczwaski
Lynn, Jackson, Schultz & Lebrun, P.C.
311 North 27th Street, Suite 4
Spearfish, SD 57783-3213

Attorneys for Petitioner

And on the same date the original was hand-delivered to Rodney Freeman, DANR – Water Management Board, Joe Foss Building, 523 East Capitol Avenue, Pierre, SD 57501; a copy was hand-delivered to Ron Duvall, Prehearing Chairman, DANR – Water Management Board, Joe Foss Building, 523 East Capitol Avenue, Pierre, SD 57501; and a copy was hand-delivered to David McVey, Assistant Attorney General, Counsel for Water Management Board, Office of the Attorney General, 1302 East Highway 14, Suite 1, Pierre, SD 57501-8501.



Ann F. Mines Bailey
Assistant Attorney General
1302 East Highway 14, Suite 1
Pierre, SD 57501-8501
Telephone: (605) 773-3215

Counsel for Water Rights Program, DANR



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

August 31, 2022

NOTICE OF ENTRY OF ORDER

TO: Erin Schoenbeck Byre, John R. Frederickson and Brian S. Baczwaski,
Attorney for Applicant Attorneys for Petitioner
Bangs, McCullen, Butler, Foye & Lynn, Jackson, Shultz & Lebrun, P.C.
Simmons, LLP 311 North 27th Street, Suite 4
PO Box 2670 Spearfish SD 57783-3213
Rapid City SD 57709

Ann Mines Bailey, Assistant Attorney General
1302 East Highway 14, Suite 1
Pierre SD 57501-8501

David M. McVey, Assistant Attorney General
1302 East Highway 14, Suite 1
Pierre SD 57501-8501

FROM: Eric Gronlund, Chief Engineer *Eric Gronlund*
SD DANR, Water Rights Program

SUBJECT: Pre-hearing Chairman's Order Granting Motion to Dismiss and Authorizing Chief
Engineer to Issue Permit

Enclosed is Pre-hearing Chairman Rodney Freeman's Order granting the Chief Engineer's motion to dismiss and authorizing the Chief Engineer to issue the permit for Water Permit Application No. 2013-1, Santa Maria Land & Cattle Corp.

Pursuant to South Dakota Codified Law 46-2-24, the decision of the Pre-hearing Chairman may be appealed to the South Dakota Water Management Board. Any appeal of the decision shall be filed with the pre-hearing Chairman no later than September 6, 2022. To file an appeal with the pre-hearing chairman, mail to:

Pre-hearing Chairman Rodney Freeman
SD DANR Water Management Board
523 E Capitol Ave
Pierre SD 57501

If an appeal is not filed, the water permit shall be issued by the Chief Engineer in accordance with the Order of Pre-hearing Chairman Rodney Freeman.

RECEIVED

AUG 25 2022

OFFICE OF
WATER

STATE OF SOUTH DAKOTA
DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES

WATER MANAGEMENT BOARD

IN THE MATTER OF WATER)
APPLICATION NO. 2013-1, Santa)
Maria Land & Cattle Corp.)

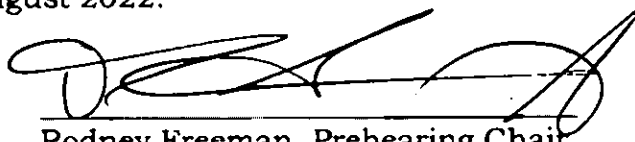
ORDER GRANTING
MOTION TO DISMISS

Upon review of the Chief Engineer's Motion to Dismiss and the
Petitioner's Notice of Withdrawal, it is hereby

ORDERED that the contested case proceedings in the above-entitled
matter are dismissed.

IT IS FURTHER ORDERED that the Chief Engineer may grant the permit
in accordance with his proposed recommendation.

Dated this _____ day of August 2022.


Rodney Freeman, Prehearing Chair

CERTIFICATION

The undersigned hereby certifies under the penalty of perjury that a true and correct copy of a Notice of Entry of Order dated August 31, 2022, and signed Order Granting Motion to Dismiss received August 25, 2022, regarding Water Permit Application No. 2013-1 – Santa Maria Land & Cattle Corp., was served upon the following by enclosing the same in envelopes with first class postage prepaid and affixed thereto, and depositing said envelopes in the United States mail on August 31, 2022.

Erin Schoenbeck Byre,
Attorney for Applicant
Bangs, McCullen, Butler, Foye & Simmons, LLP
PO Box 2670
Rapid City SD 57709

Lynn, Jackson, Shultz & Lebrun, P.C.
John R. Frederickson and Brian S. Baczwaski
Attorneys for Petitioner
311 North 27th Street, Suite 4
Spearfish SD 57783-3213

Above also Sent Inter-office to:

Ann Mines Bailey, Assistant Attorney General
1302 East Highway 14, Suite 1
Pierre SD 57501-8501

David M. McVey, Assistant Attorney General
1302 East Highway 14, Suite 1
Pierre SD 57501-8501

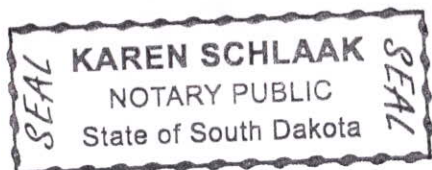


Vickie Maberry
Water Rights Program, DANR

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 31st day of August, 2022.


Karen Schlaak
Notary Public
My Commission expires April 1, 2025



Schlaak, Karen

From: ROBERT MORRIS <remorris1@gmail.com>
Sent: Monday, September 12, 2022 6:38 PM
To: Schlaak, Karen
Subject: Re: [EXT] Mailing address for Santa Maria Land & Cattle Corp

10151 Hwy 34

On Mon, Sep 12, 2022 at 12:33 PM Schlaak, Karen <Karen.Schlaak@state.sd.us> wrote:

We are in the process of issuing Water Permit No. 2013-1, Santa Maria Land & Cattle Corp. The mailing address on the application is: 10150 SD Hwy 34, Belle Fourche SD 57717. Correspondence sent to that address was returned by the post office. What is the current mailing address?

Karen Schlaak

DANR - Water Rights Program

(605) 773-3352

Website: <https://danr.sd.gov>





**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

SEP 26 2022

Santa Maria Land & Cattle Corp
c/o Elaina Parker, President
10151 SD Hwy 34
Belle Fourche SD 57717

Dear Ms. Parker:

Enclosed is Water Permit No. 2013-1 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**

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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.: 2013-1

Name of Applicant: Santa Maria Land & Cattle Corp, Elaina Parker

Date of Posting: 4/5/2022

Date of Removal: 8/1/2022



Ron Duvall, Water Rights Permitting Administrator

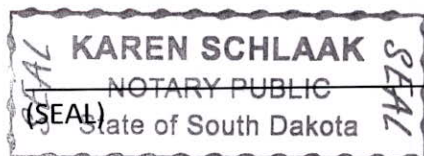
9/26/22

Date

Subscribed and sworn to before me, a notary public, this 26th day of Sept, 20 22.



Notary Public - South Dakota
My commission expires: 4/1/2025





DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES
JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

January 14, 2025

NOTICE

TO: SANTA MARIA LAND & CATTLE CORP, ELAINA PARKER, PRES, 10151 SD HWY 34,
BELLE FOURCHE, SD 57717

FROM: Ron Duvall, Engineer III
for Eric Gronlund, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2024 Irrigation Questionnaire(s)

Our records indicate your 2024 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 2013-1. The request for the Questionnaire was dated October 23, 2024. The Water Management Board has directed owners of water permits who have not submitted the 2024 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 2013-1 qualification:

"This permit is approved subject to the Irrigation Water Use Questionnaire being submitted each year."

The hearing will be held on **Wednesday, March 5, 2025, at 9:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 2013-1 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

If the questionnaire(s) is (are) received in this office before the **March 5, 2025**, hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Amanda Dewell at (605) 773-3352 or email at amanda.dewell@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://danr.sd.gov/iq> using this password: AGUKJA**

NOTE: Please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

March 3, 2025

2013-1

Santa Maria Land & Cattle Corp
c/o Elaina Parker
10151 SD Hwy 34
Belle Fourche SD 57717

Dear Ms. Parker:

I am writing to acknowledge the receipt of your 2024 irrigation questionnaire(s).

You may disregard the January 14, 2025, "Notice" concerning the reporting requirements for Water Permit No(s). 2013-1. The information was received prior to the March 5, 2025, Water Management Board meeting and the above listed permit number(s) have been removed from the agenda.

If you have any questions or concerns, please contact me.

Sincerely,

Amanda Dewell
Permitting Administrator
Water Rights Program
605 773-3352
Amanda.Dewell@state.sd.us