

WATER PERMIT NO. 2019-1

Name of Applicant: Poss Ranch Inc.

Address: 13445 Rodeo Dr, Vale SD 57788 Phone: 605 347-1294

Amount of Water Claimed: 2.0 cfs Total Acres: 65

Source of Water Supply: Belle Fourche River

Water to be used for: irrigation County: Meade

Type of Waste Disposal System:

Location: 20 miles northeast of Sturgis

PRIORITY Date Received: 5-16-22

Application/License Fee: \$ 950

Corrected Application Received: 5-23-22

Period of Annual Use: April 1 – October 31

Remarks:

Diversion Point: SE 1/4 NE 1/4 Sec 28-T7N-R8E

Land to be Irrigated: E 1/2 NE 1/4, NE 1/4 SE 1/4
Sec 28 and SW 1/4 NW 1/4 Sec 27; all in T7N-
R8E

Depth of Well: NA

Well Driller:

Remarks:

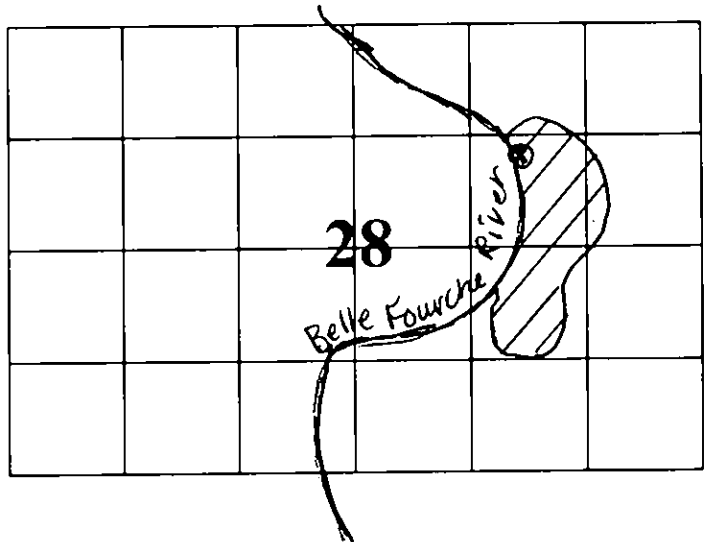
Type of Map: aerial

Prepared by:

Reviewed and the Number Assigned on: 5-23-22

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____



**SOUTH DAKOTA
WATER PERMIT NO. 2019-1**

Date of first receipt of application May 16, 2022.

Date of return to applicant for corrections, amendments or changes May 16, 2022.

Date of receipt of corrected application May 23, 2022.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 2019-1 to Poss Ranch Inc., c/o Deborah A Mailloux, 13445 Rodeo Dr, Vale SD 57788 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. 2019-1 appropriates 2.0 cubic feet of water per second from the Belle Fourche River located in the SE 1/4 NE 1/4 Section 28 for irrigation of 65 acres located in the E 1/2 NE 1/4, NE 1/4 SE 1/4 Section 28 and SW 1/4 NW 1/4 Section 27; all in T7N-R8E. This site is located approximately 20 miles northeast of Sturgis SD.
2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: April 1 – October 1.
3. The date from which applicant may claim right is May 16, 2022.
4. The date of approval of Permit No. 2019-1 is July 18, 2022.
5. One-fifth of the construction is to be completed on or before January 18, 2025.
6. All construction is to be completed on or before July 18, 2027.
7. Water is to be put to beneficial use on or before July 18, 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. Low flows as needed for downstream domestic use including livestock water and prior rights must be bypassed. Diversions under this Permit shall be in accordance with any written orders issued by the Chief Engineer.
2. Pursuant to SDCL 46-5-6 which allows a greater diversion rate if the method of irrigation, time constraints, or type of soils so requires, Permit No. 2019-1 authorizes a maximum diversion rate of 2.00 cfs for the irrigation of 65 acres with an annual volume not to exceed 2 acre feet of water per acre per year.
3. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

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

JUL 26 2022
date



FORM 2: Application for irrigation in South Dakota

(type or print)

RECEIVED

MAY 16 2022

WATER RIGHTS
PROGRAM

Mail to: PMB 2020 DENR - Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. <u>2019-1</u> (office use only)	Hydrologic Unit <u>10120202</u>
	Basin <u>Belle Fourche</u>	
	Newspaper <u>Faith Independent</u>	
	<u>Rapid City Journal</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.)

email: gary - deb@hotmail.com

1. Name of Applicant Poss Ranch Inc Phone 605-347-1294
(check one) Owner ☐ Tenant/lessee ☐
- Mailing Address 14508 Hilton Place, Sturgis S.D. 57785 Physical Address 13445 Rodeo Dr, Vale, SD 57788
(Address) (City) (State) (Zip Code)
2. Amount of water claimed 2.0 *CFS or 900 **GPM ***AF Total Acreage 65
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)
3. Source of water supply Belle Fourche River
4. Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) County Meade
river bend on Belle Fourche River located in Field T 8042 (per FSA map)
section 28-7N-8E Meade County (SE1/4 NE1/4)
5. County or counties where water will be used Meade
6. Annual period during which water is to be used April 1 to Oct 1
7. List below each forty acre division, or lot, or fraction thereof and show number of acres to be irrigated in each.
(Attach sheet if more space is needed)

Land Description	Acres	Land Description	Acres
<u>Section 28-7N-8E</u>	<u>40</u>	<u>E 1/2 NE 1/4 Sec 28-T7N-R8E</u>	
<u>Section 28-7N-8E</u>	<u>25</u>	<u>NE 1/4 SE 1/4</u>	
		<u>SW 1/4 NW 1/4 Sec 27-T7N-R8E</u>	

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

Pump site to be in river bend with diesel pump, gate pipe running North to south along river approx. 30 yards east of River bank with water flow predominantly east towards nose of river breaks

Requesting diversion rate greater than statutory limit.

STATE OF SOUTH DAKOTA)

County of Meade)

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)

I, Deborah A Mailloux, the applicant, certify that I have read this application, have examined the attached map and that the matters stated are true and that I intend, and am able to complete the necessary construction.

Applicant's signature Deborah A MaillouxSubscribed and sworn to before me this 13th day of May 20 22

Janine Short, Notary Public
My Commission Expires 11-22-23

Janine Short
Notary Public signature



Common Land Unit

- Non-Cropland
- Cropland
- Tract Boundary
- PLSS

Wetland Determination Identifiers

- Restricted Use
- Limited Restrictions
- Exempt from Conservation
- Compliance Provisions

2022 Program Year

Map Created March 22, 2022

Farm 3801

28 -7N -8E

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 or reflect actual ownership; rather it depicts the information provided directly from the producer and/or National Agricultural Imagery Program (NAIP) imagery. The producer accepts the data 'as is' and assumes all risks 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 outside FSA Programs. Wetland identifiers do not represent the size, shape, or specific determination of the area. Refer to your original determination (CPA-026 and attached maps) for exact boundaries and determinations or contact USDA Natural Resources Conservation Service (NRCS).

7N 8E
Section: 20

7N 8E
Section: 21

7N 8E
Section: 22

7N 8E
Section: 29

7N 8E
Section: 28

7N 8E
Section: 27

7N 8E
Section: 32

7N 8E
Section: 33

7N 8E
Section: 34

RECEIPT

WATER RIGHTS PROGRAM South Dakota Department of Agriculture and Natural Resources

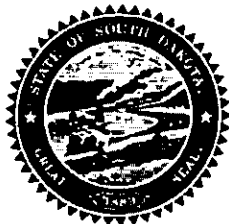
Date May 23, 2022

RECEIVED OF Poss Ranch Inc. 13445 Rodeo Dr., Vale SD 57788

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

Fee for Application for Permit No. <u>2019-1</u> to Appropriate Water, to construct and to put water to beneficial use	\$750.00
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>2019-1</u>	\$200.00
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
	\$950.00

By Eric Gronlund
Chief Engineer
Em



OFFICE OF THE SECRETARY OF STATE
STEVEN J. BARNETT, SECRETARY OF STATE
JASON LUTZ, DEPUTY SECRETARY OF STATE

Filing Information

Name: **POSS RANCH, INC.**

General Information

SOS Business ID **DF012056**
Filing Type: Business Corporation - Domestic
 12/28/1973
Status: Good Standing
Duration Term: Perpetual
Business Type: Farm

Registered Agent Address

Deborah Ann Mailloux
13445 RODEO DR
VALE, SD 57788

Principal Address

13445 RODEO DR
VALE, SD 57788

The following document(s) was/were filed in this office on the date(s) indicated below:

Date Filed	Filing Description	Image #
01/08/2022	2021 Annual Report	B0204-9268
01/18/2021	2020 Annual Report	B0166-3869
01/15/2020	2019 Annual Report	B0125-6405
01/18/2019	2018 Annual Report	B0087-7013
01/22/2018	2017 Annual Report	B0047-9451
02/21/2017	2016 Annual Report	B0023-6738
12/15/2015	2015 Annual Report	
12/19/2014	2014 Annual Report	
02/21/2014	2013 Annual Report	
12/10/2012	2012 Annual Report	
01/23/2012	2011 Annual Report	
11/10/2010	2010 Annual Report	
12/02/2009	2009 Annual Report	
12/12/2008	2008 Annual Report	
12/14/2007	2007 Annual Report	
12/06/2006	2006 Annual Report	
01/06/2006	2006 Annual Report	
01/26/2005	2005 Annual Report	

Filing Information

Name: **POSS RANCH, INC.**

12/17/2003	2003 Annual Report
12/30/2002	2002 Annual Report
02/26/2002	2002 Annual Report
12/15/2000	2000 Annual Report
12/29/1999	1999 Annual Report
12/18/1998	1998 Annual Report
12/15/1997	1997 Annual Report
12/04/1996	1996 Annual Report
12/05/1995	1995 Annual Report
12/08/1994	1994 Annual Report
12/17/1993	1993 Annual Report
12/29/1992	1992 Annual Report
02/27/1985	Common Amendment
07/22/1974	Farm Qualification
12/28/1973	Initial Filing

DF012056



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

PAID

MAY 23 2022

Ck# 5093

Rec't# _____

May 16, 2022

Email gary-deb@hotmail.com

Poss Ranch Inc.
Deborah A Mailloux
13445 Rodeo Dr
Vale SD 57788

RECEIVED

MAY 23 2022

**OFFICE OF
WATER**

Dear Ms. Mailloux:

Thank you for submitting the *Application for a Permit to Appropriate Water* for irrigation in Meade County. In order to complete the application, the following is required.

- Enclosed is the aerial photo map for the location of the irrigation. Please outline the 65 acres to be irrigated.
- The application/license fee for irrigation of 65 acres is \$950.00.
- Also, please include an email address, if available.

If you have any questions, please contact me.

Sincerely,

Karen Schlaak

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

enclosure



**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. 2019-1, Poss Ranch Inc.**

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. 2019-1, Poss Ranch Inc., 13445 Rodeo Drive, Vale SD 57788.

The Chief Engineer is recommending APPROVAL of Application No. 2019-1 because 1) 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 domestic water uses and water rights, 3) the proposed use is a beneficial use and 4) it is in the public interest as it pertains to matters of public interest within the regulatory authority of the Water Management Board with the following qualifications:

1. Low flows as needed for downstream domestic use including livestock water and prior rights must be by-passed. Diversions under this Permit shall be in accordance with any written orders issued by the Chief Engineer.
2. Pursuant to SDCL 46-5-6 which allows a greater diversion rate if the method of irrigation, time constraints, or type of soils so requires, Permit No. 2019-1 authorizes a maximum diversion rate of 2.00 cfs for the irrigation of 65 acres with an annual volume not to exceed 2 acre feet of water per acre per year.
3. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

See report on application for additional information.

Eric Gronlund, Chief Engineer
June 29, 2022

REPORT ON WATER PERMIT APPLICATION NO. 2019-1

Poss Ranch Inc.

June 27, 2022

Application No 2019-1, proposes to appropriate 2.0 cubic feet of water per second (cfs) from the Belle Fourche River located in the SE 1/4 NE 1/4 Section 28 for irrigation of 65 acres located in the E 1/2 NE 1/4, NE 1/4 SE 1/4 Section 28 and SW 1/4 NW 1/4 Section 27; all in T7N-R8E. The applicant is requesting a diversion rate greater than the statutory limit of 1 cfs per 70 acres. This site is located approximately 20 miles northeast of Sturgis SD in Meade County.

South Dakota Codified Law SDCL 46-2A-2 directs the Chief Engineer to make a recommendation to the Water Management Board on a permit application. The Chief Engineer needs to consider four criteria in making a recommendation on whether a permit should be approved, approved with qualifications, denied, or deferred. They are: 1) 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 domestic water uses and water rights, 3) the proposed use is a beneficial use, and 4) it is in the public interest as it pertains to matters of public interest within the regulatory authority of the Water Management Board. This report will analyze the available information to make a recommendation to the Chief Engineer on the first two criteria the Chief Engineer needs to consider in making an official recommendation to the Water Management Board.

Review of the Proposed Project

The applicant proposes to irrigate 65 acres from water pumped at a rate of 2.0 cfs directly from the Belle Fourche River. The applicant is requesting a diversion rate greater the statutory limit of 1 cfs per 70 irrigated acres as specified in South Dakota Codified Law (SD) 46-5-6.

46-5-6. Appropriation of water for irrigation--Limitation of amount.

In the issuance of permits to appropriate water for irrigation or in the adjudication of rights to the use of water for such purpose, the amount allowed may not be in excess of the rate of one cubic foot of water per second for each seventy acres, or the equivalent thereof, and the volume of water diverted for use may not exceed two acre-feet per acre, delivered on the land for a specified time each year. The Water Management Board may allow a greater diversion, in volume or rate or both, if the method of irrigation, any time constraints on diversion of water, or the type of soil so requires. However, no annual volume may be greater than three acre-feet per acre delivered to the land. The above rate of one cubic foot per second for each seventy acres does not apply in cases of flood water at such times when the flow of the stream is much in excess of the total recorded and approved rights on the stream.

The Water Management Board may allow for a greater diversion rate if the method of irrigation requires it. The applicant indicates they will be using gated pipe to apply water to irrigate.

Review of the Proposed Water Source

The Belle Fourche River headwaters in northeast Wyoming and flows northeast around the northern edge of the Black Hills of South Dakota then east to the Cheyenne River confluence north of Wasta, South Dakota, for an approximate distance of 290 river miles. Included in this stretch is the Belle Fourche Reservoir, which is part of the United States Department of the Interior's Belle Fourche Project. This project was completed in 1914 and includes a diversion dam, storage dam and a system of canals that

irrigate 57,068 acres within the Belle Fourche Irrigation District located in southern Butte County in western South Dakota.

The United States Geological Survey (USGS) maintains stream flow gaging stations on the Belle Fourche River near Sturgis, SD (Figure 1). This application is for a new water permit to irrigate 65 acres approximately 6.5 river miles upstream of the Sturgis gage. This gage is located downstream of several Belle Fourche Irrigation District waste ways and tributaries such as Owl and Horse Creeks. Large portions of the water in the reach of the river where this irrigation project is to be located consist of irrigation return flows coming from the Belle Fourche Irrigation District during the irrigation season. Unlike a typical prairie river with flows peaking in March and April with snow melt and spring rains and then trailing off throughout the summer months into fall, flow in the Belle Fourche River in this reach is affected by irrigation return flows.

The impact of the irrigation return water can be observed in Figure 1, a percentile hydrograph for the USGS Stream Gaging Station No. 06437000 Belle Fourche River near Sturgis. The hydrograph of historical percentile data from 1952 to 2021 shows a large increase in the flows during the months of May through September (USGS. 2022). At the 50th percentile, the mean daily flow values are at or above 100 cfs from mid-March until the end of April before drastically increasing to 200 to 250 cfs by mid-May with flows spiking to approximately 300 cfs. At least 220 cfs is available from mid-May until mid-September when flow drops to approximately 180 cfs at the end of September coinciding with the end of the requested period of use. At the 10th percentile, winter flows are 10 to 20 cfs until the beginning of March before increasing to around 40 cfs by mid-May. Flow then increases to around 150 cfs by mid-July and holds until early September before dropping off to around 40 cfs at the end of September.

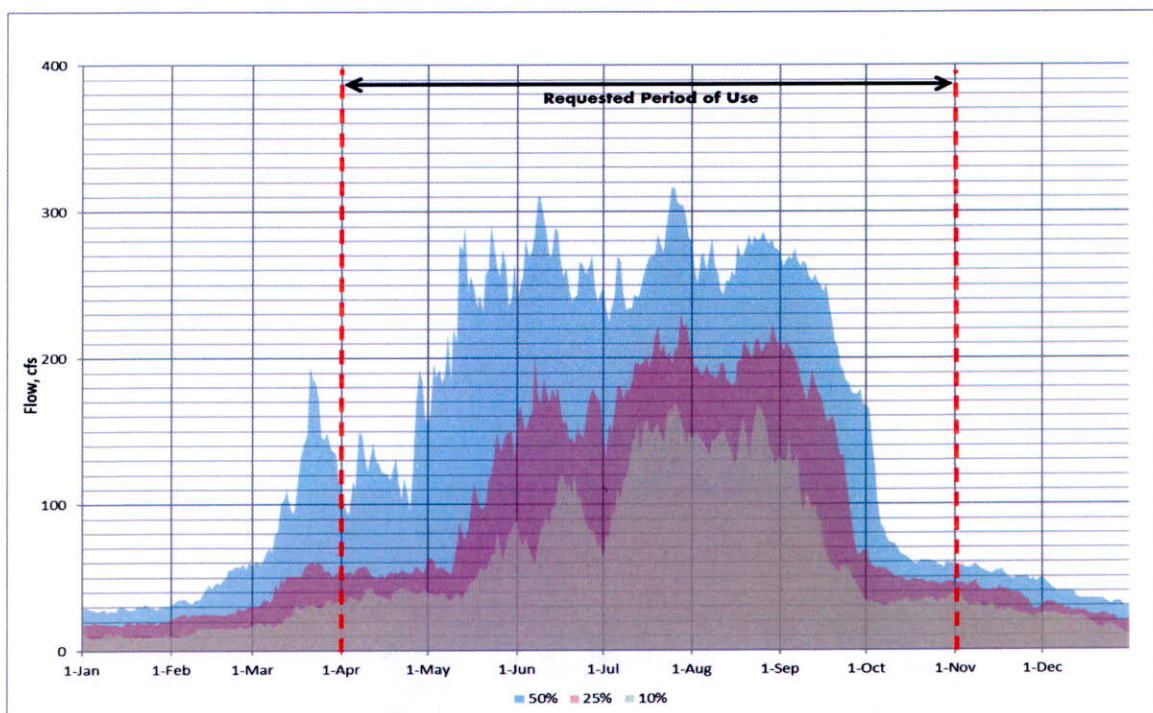


Figure 1. USGS Stream Gaging Station No. 06437000 Belle Fourche River near Sturgis, 1953-2021 (USGS. 2022).

Figure 2 shows a percentile hydrograph for the USGS Stream Gaging Station No. 06438000 Belle Fourche River near Elm Springs for the period 1953 to 2021 (USGS. 2022). At the 50th percentile, the mean daily flow values are at or above 130 cfs from mid-March until the end of April before increasing to 200 to 350 cfs by mid-May with flows spiking to approximately 300 cfs. At least 220 cfs is available from mid-May until the first part of September when flow drops to approximately 160 cfs at the end of September coinciding with the end of the requested period of use. At the 10th percentile, winter flows are 10 to 20 cfs until the beginning of March before increasing to around 35 cfs by mid-May. Flow then increases to around 130 cfs by mid-July and holds steady until early September before dropping off to around 50 cfs by the end of September.

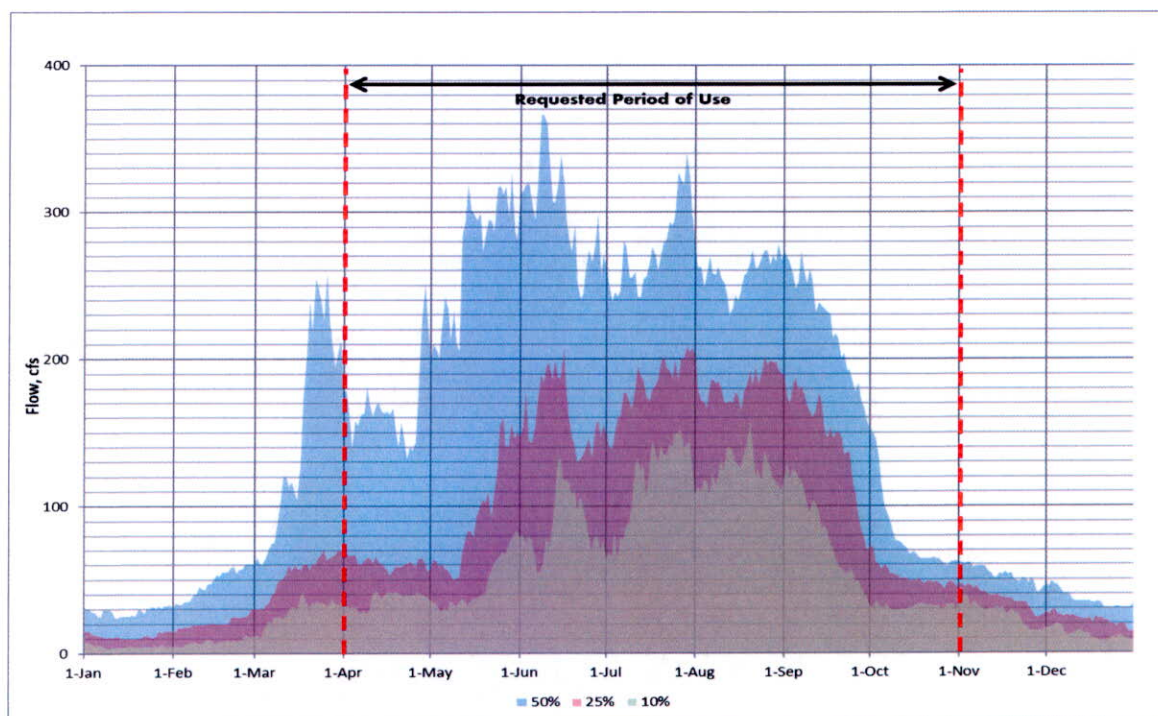


Figure 2. USGS Stream Gaging Station No. 06438000 Belle Fourche River near Elm Springs, 1953-2021 (USGS. 2022).

Based upon a review of the historical USGS streamflow data, there is reasonable probability there will be water available for this project except under extremely dry climatic conditions.

Review of Existing Water Rights

There are 31 existing water rights/permits appropriating 121.70 cfs from the Belle Fourche River between the proposed diversion point and the confluence with the Cheyenne River. Of these, there are 5 existing water rights/permits, which appropriate 13.87 cfs, which divert water from the river in the reach between the proposed diversion point. The USGS gaging station Belle Fourche River near Sturgis located 6.5 river miles downstream. If this permit is approved, it is not expected to adversely affect existing rights (Water Rights. 2022). In addition, if Application No. 2019-1 is approved, it will have a priority date that is junior to the existing water rights and will be subject to bypassing low flows to downstream domestic water users and senior water right holders.

Conclusions

1. This application proposes to appropriate 2.0 cubic feet of water per second from the Belle Fourche River for irrigation of 65 acres.
2. The applicant is requesting a diversion rate greater the statutory limit of 1 cfs per 70 irrigated acres as specified in South Dakota Codified Law (SD) 46-5-6.
3. The Water Management Board may allow for a greater diversion rate if the method of irrigation requires it. Gated pipe will be used to apply water for irrigation.
4. Based upon a review of the historical USGS streamflow data, there is reasonable probability there will be water available for this project except under extremely dry climatic conditions.
5. If this permit is approved, it would not be expected to adversely affect existing rights.



Mark D. Rath
Natural Resources Engineer III

References

1. USGS. 2022. United States Geological Survey, National Water Information System – Stream Gaging Station Network for South Dakota.
2. Water Rights. 2022. Water Right/Permit Files. SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, South Dakota.

Schlaak, Karen

From: Schlaak, Karen
Sent: Tuesday, July 5, 2022 7:17 AM
To: gary_deb@hotmail.com
Subject: Water Permit Application No. 2019-1
Attachments: 3635.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(s) as soon as possible to authorize publication and arrange for payment. This information was mailed to you last week.

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



RECEIVED

JUL 13 2022

Form 8

OFFICE OF
WATER

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County of Meade) SS

I, Kris Stocklin-Johnson

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

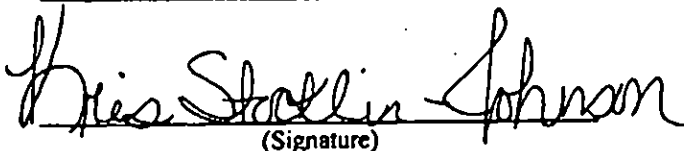
printed and published in Faith

County of Meade and

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

07/06/2022

Cost of Printing \$37.76


(Signature)

Editor
(Title)

07/13/2022
(Date Signed)

**NOTICE OF
APPLICATION
NO. 2019-1 to
Appropriate Water**

Notice is given that Pass Ranch Inc, c/o Deborah A. Mailloux, 13445 Rodeo Dr, Vero SD 57788 has filed an application for a water permit to appropriate 2.0 cubic feet of water per second (cfs) from the Belle Fourche River located in the SE 1/4 NE 1/4 Section 28 for irrigation of 65 acres located in the E 1/2 NE 1/4, NE 1/4 SE 1/4 Section 28 and SW 1/4 NW 1/4 Section 27, all in T7N-R8E. The applicant is requesting a diversion rate greater than the statutory limit of 1 cfs per 70 acres. This site is located approximately 20 miles northeast of Sturgis SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No 2019-1 with qualifications because 1) unappropriated water is available, 2) existing domestic water uses and water rights will not be unreasonably 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://denr.sd.gov/public> or contact Ron Duvall for this information, or other information, at the Water Rights Program address provided below.

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

Public Notices City of Faith

Continued from previous page
online at <https://denr.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 July 18, 2022.

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://denr.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 July 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.

Published July 6, 2022 at the approximate cost of \$37.76 and may be viewed free of charge at www.sdpublicnotice.com.

*** Proof of Publication ***

STATE OF SOUTH DAKOTA)

County of Pennington)

SS:

S.D. DANR - GROUND WATER

523 E CAPITOL AVE

PIERRE SD 57501

ORDER NUMBER 48383

The undersigned, being duly sworn, upon his/her oath says: That he/she is now and was at all time hereinafter mentioned, a clerk of the RAPID CITY JOURNAL, a corporation of Rapid City, South Dakota, a legal and daily newspaper printed and published in Rapid City, in said County of Pennington, and has full and personal knowledge of all the facts herein stated as follows: that said newspaper is and at all of the times herein mentioned has been a legal and daily newspaper with a bonafide paid circulation of at least Two Hundred copies daily, and has been printed and published for at least one year prior to the first date of the published notice.

This affidavit is a true and corrected copy of notice which appeared

in said newspaper once each day for 1
successive day, the first publication there of being on the
6 day of July, 2022.

Section: Legal

Category: 0072 Public Notices

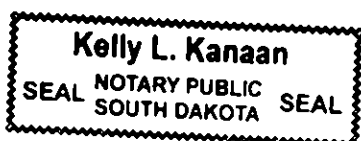
PUBLISHED ON: 07/06/2022

TOTAL AD COST: 73.11

FILED ON: 7/6/2022

Subscribed and sworn to before me this

6th day of July, 2022.
Kelly L. Kanaan Notary Public
My commission expires
Jan 17, 2025



NOTICE OF APPLICATION
NO. 2019-1 to Appropriate Water
Notice is given that Foss Ranch Inc, c/o Deborah A Maitoux, 13445 Rodeo Dr, Vale SD 57788 has filed an application for a water permit to appropriate 2.0 cubic feet of water per second (cfs) from the Belle Fourche River located in the SE 1/4 NE 1/4 Section 28 for irrigation of 65 acres located in the E 1/2 NE 1/4, NE 1/4 SE 1/4 Section 28 and SW 1/4 NW 1/4 Section 27, all in T7N-R8E. The applicant is requesting a diversion rate greater than the statutory limit of 1 cfs per 70 acres. This site is located approximately 20 miles northeast of Slurgis SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2019-1 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 Duval for this information, or other information, at the Water Rights Program address provided below.

Any person interested in opposing this application or recommendation shall allege that the application, upon approval, will cause injury to the person that is unique from any injury suffered by the public in general. The injury must concern a matter either within the regulatory authority found in SDCL 46-2A-9 for approval or denial of the application, or other matter concerning the application within the regulatory authority of the board to act upon as defined by SDCL 46-2-9 and 46-2-11, or both. Any person meeting the petitioner requirements and wishing to be a party of record in a contested case hearing shall file a written petition to oppose the application with BOTH the applicant and Chief Engineer. A petition opposing the application shall be filed on a form provided by the Chief Engineer. The petition form is available online at <https://danr.sd.gov/public> or by contacting the Chief Engineer. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501" or call (605) 773-3352. The applicant's mailing address is given above. If contesting the Chief Engineer's recommendation, the applicant shall also file a petition. A petition filed by either an interested person or the applicant must be filed by July 18, 2022.

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 July 18, 2022.

RECEIVED

JUL 08 2022

OFFICE OF
WATER

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

Published on July 6, 2022 for a total approximate cost of \$73.11 and may be viewed for free at www.sdpublicnotices.com. L48383

Schlaak, Karen

From: Schlaak, Karen
Sent: Wednesday, June 29, 2022 1:44 PM
To: RCY Legals (legals@rapidcityjournal.com)
Subject: 2019-1, Poss Ranch Inc.
Attachments: 2019-1public.short_final.docx; FORM8.FRM.doc

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

Poss Ranch Inc., c/o Deborah A Mailloux, 13445 Rodeo Dr, Vale SD 57788 (605 347-1294) 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>



Schlaak, Karen

From: Schlaak, Karen
Sent: Wednesday, June 29, 2022 1:43 PM
To: 'faithind@faithsd.com'
Subject: 2019-1, Poss Ranch Inc.
Attachments: 2019-1public.short_final.docx; FORM8.FRM.doc

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

Poss Ranch Inc., c/o Deborah A Mailloux, 13445 Rodeo Dr, Vale SD 57788 (605 347-1294) 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 NEWSPAPERS RIGHT AWAY.**

June 29, 2022

Poss Ranch Inc.
c/o Deborah A Mailloux
13445 Rodeo Dr
Vale SD 57788

*sent to Rapid City Journal
instead*

Dear Ms. Mailloux:

Water Permit Application No. 2019-1 for irrigation use have been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice has been sent to the Faith Independent printed at Faith (Ph # 605 967-2161) and the ~~Black Hills Pioneer printed at Spearfish (Ph # 605 642-2761).~~ You will need to contact the newspapers and authorize publication of this notice. For your information, a copy of the notice, the recommendation of the Chief Engineer and report on the application are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

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

Sincerely,

Karen Schlaak

Karen Schlaak
Water Rights Program
(605) 773-3352

enclosures

NOTE: If you plan to contest any part of the Chief Engineer's recommendation, you must file a petition pursuant to the procedures outlined in the attached notice of hearing. The Water Management Board will then consider your concerns during a hearing on the application.

NOTICE OF APPLICATION NO. 2019-1 to Appropriate Water

Notice is given that Poss Ranch Inc, c/o Deborah A Mailloux, 13445 Rodeo Dr, Vale SD 57788 has filed an application for a water permit to appropriate 2.0 cubic feet of water per second (cfs) from the Belle Fourche River located in the SE 1/4 NE 1/4 Section 28 for irrigation of 65 acres located in the E 1/2 NE 1/4, NE 1/4 SE 1/4 Section 28 and SW 1/4 NW 1/4 Section 27; all in T7N-R8E. The applicant is requesting a diversion rate greater than the statutory limit of 1 cfs per 70 acres. This site is located approximately 20 miles northeast of Sturgis SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2019-1 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 person meeting the petitioner requirements and wishing to be a party of record in a contested case hearing shall file a written petition to oppose the application with BOTH the applicant and Chief Engineer. A petition opposing the application shall be filed on a form provided by the Chief Engineer. The petition form is available online at <https://danr.sd.gov/public> or by contacting the Chief Engineer. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501" or call (605) 773-3352. The applicant's mailing address is given above. If contesting the Chief Engineer's recommendation, the applicant shall also file a petition. A petition filed by either an interested person or the applicant must be filed by July 18, 2022.

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 July 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.

Published once at the total approximate cost of__



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

JUL 26 2022

Poss Ranch Inc.
c/o Deborah A Mailloux
13445 Rodeo Dr
Vale SD 57788

Dear Ms. Mailloux:

Enclosed is Water Permit No. 2019-1 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