

WATER PERMIT NO. 2033-1

Name of Applicant: **Butte-Meade Sanitary Water District**

Address: **PO Box 5, Newell SD 57760**

Phone: **605-456-2288**

Amount of Water Claimed: **2 cfs**

Total Acres: **N/A**

Source of Water Supply: **Groundwater**

Water to be used for: **Rural Water System**

County: **Butte**

Type of Waste Disposal System:

Location: **Approx. 3 miles east of Belle Fourche SD**

PRIORITY

Date Received: **3-9-23**

Application/License Fee: **\$2,050.00**

Corrected Application Received: **8-18-23**

Period of Annual Use: **January 1 – December 31**

Remarks:

Diversion Point: **SE 1/4 NW 1/4 Section 17-T8N-R3E**

Land to be Irrigated: **N/A**

Depth of Well: **3,000**

Well Driller:

Remarks:

Type of Map: **Diagram**

		*	17		

Reviewed and the Number Assigned on: **8-21-23**

By: **Rachel Rodriguez**

Notice of Hearing - date to intervene: _____

**SOUTH DAKOTA
WATER PERMIT NO. 2033-1**

Date of first receipt of application March 9, 2023.

Date of return to applicant for corrections, amendments or changes March 14, 2023.

Date of receipt of corrected application August 18, 2023.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 2033-1 to Butte-Meade Sanitary Water District, PO Box 5, Newell SD 57760 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. 2033-1 appropriates 869 acre-feet of water annually at a maximum pump rate of 2.0 cubic feet of water per second from one well to be completed into the Madison Aquifer (approximately 3,000 feet deep) located in the SE 1/4 NW 1/4 Section 17-T8N-R3E for rural water system use. This site is located approximately 3 miles east of Belle Fourche SD.
2. The water appropriated shall be used for the purpose of rural water system use and may not exceed the amount of water needed for beneficial use.
3. The water is to be used during the following described annual period: January 1 – December 31.
4. The date of approval of Permit No. 2033-1 is December 7, 2023.
5. The date from which applicant may claim right is August 18, 2023.
6. One-fifth of the construction is to be completed on or before June 7, 2026.
7. All construction is to be completed on or before December 7, 2028.
8. Water is to be put to beneficial use on or before December 7, 2032.
9. 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. 2033-1 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. 2033-1 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 well will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner, under these Permits shall control withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.

(continued)

3. The well authorized by Permit No. 2033-1 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. The well approved under this Permit shall be valved and the flow reduced to the amount needed or to a minimum when not being used. If this well is abandoned or the Permit cancelled, the well must be plugged in accordance with Water Management Board Rules, Chapter 74:02:04.
5. The Permit holder shall report to the Chief Engineer annually the amount of water withdrawn from the Madison aquifer.
6. Water Permit No. 2033-1 appropriates up to 869 acre-feet of water annually.

WATER MANAGEMENT BOARD

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

DEC 29 2023
date



FORM 2: Application for uses other than irrigation

(type or print)

Mail to: SD DANR, Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. <u>2033-1</u> Hydrologic Unit <u>1012026Z</u>
	Basin <u>Lower Belle Fourche</u>
	Newspaper <u>Blackhills Pioneer</u>
	(office use only)

RECEIVED**MAR 09 2023****OFFICE OF
WATER****Application for Permit to Appropriate Water in South Dakota****Check use(s) of water:**
☐
☒
☐

Municipal

Rural Water System

Domestic (over 18 gpm)

☐
☐
☐

Water Distribution System

Commercial

Industrial

☐
☐
☐

Recreational

Fish & Wildlife

Other

☐
☐

Institutional

Geothermal

Type of Application:

(check one)

☒
☐
☐

New

☐

Vested Right (Use predates Mar 2, 1955)

☐

Future Use Reservation

Place to Beneficial Use Water Reserved by Future Use Permit No. _____

Amendment/Correction to Permit No. _____

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

1. Name to Appear on Water Permit Butte-Meade Sanitary Water District

Mailing Address PO Box 5 Newell SD 57760
(Address) (City) (State) (Zip Code)

Phone 605-456-2288 Mobile _____ Email bmswdoffice@sdplains.com

2. Amount of water claimed 2.0 *CFS or 900 **GPM and 869 ***AF or 473 m Gallons
Flow rate and volume are both required. (*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use)

3. Source of water supply New Madison Well

4. Location of point of diversion 1 Well in SW 1/4 NW 1/4 Sec 17 T8N R3E County Butte
(example - 3 wells in SW 1/4 NE 1/4 section 12-T104N-R53W)

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

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

(example - NW 1/4 section 12-T104N-R53W)5. County or counties where water will be used Butte & Meade6. Annual period during which water is to be used 1/1 to 12/31

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

Proposed Madison well

I, Bob Lewis President, 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.

2021-08

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)

Supplemental Information

(type or print)

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

- a) If new wells, how many 1 Have test holes been drilled? ☐ Yes ☒ No Drilled by _____
(if yes, please provide copies of logs)
- b) If existing wells, how many _____ Provide copy of log(s), if available. Drilled by _____

For either existing or proposed wells:

- c) Well Depth (required) 3000 Depth to Top of Water Bearing Material 2450 Depth to Water from Surface 0
- d) Distance to nearest domestic well on applicant's property N/A Property owned by others 3 mi

2. Wastewater Disposal System Information

- a) Type of System (i.e. septic tank, drain field) _____
- b) System Capacity (gallons) _____ Year Constructed _____
- c) Connected to the City of _____ Sanitary System

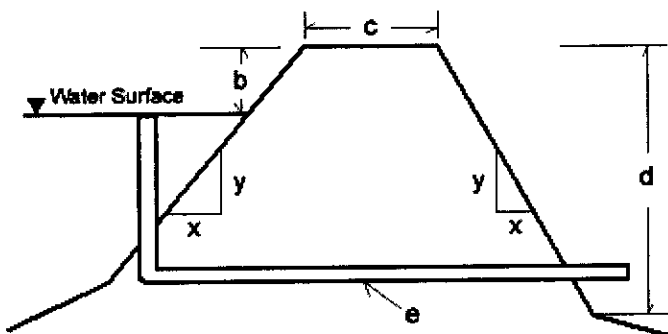
3. Dugout Information

- a) Surface Dimensions _____ Depth _____
- b) Depth to water (ground surface to water level) _____

4. Water Storage Dams

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

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



- b) Freeboard _____
- c) Crest Width _____
Crest Length _____
- d) Height _____
- e) Primary Outlet Capacity _____
If pipe, diameter _____
- f) Secondary Spillway Capacity _____
Spillway Width _____
- g) X & Y Slope (e.g. 3 to 1 is a typical slope)
Upstream _____
Downstream _____
- h) Area of Impoundment _____
- i) Storage _____ Acre Feet
- j) Drainage Area Above Dam _____ Acres

RECEIVED

AUG 18 2023

OFFICE OF
WATER

PAID

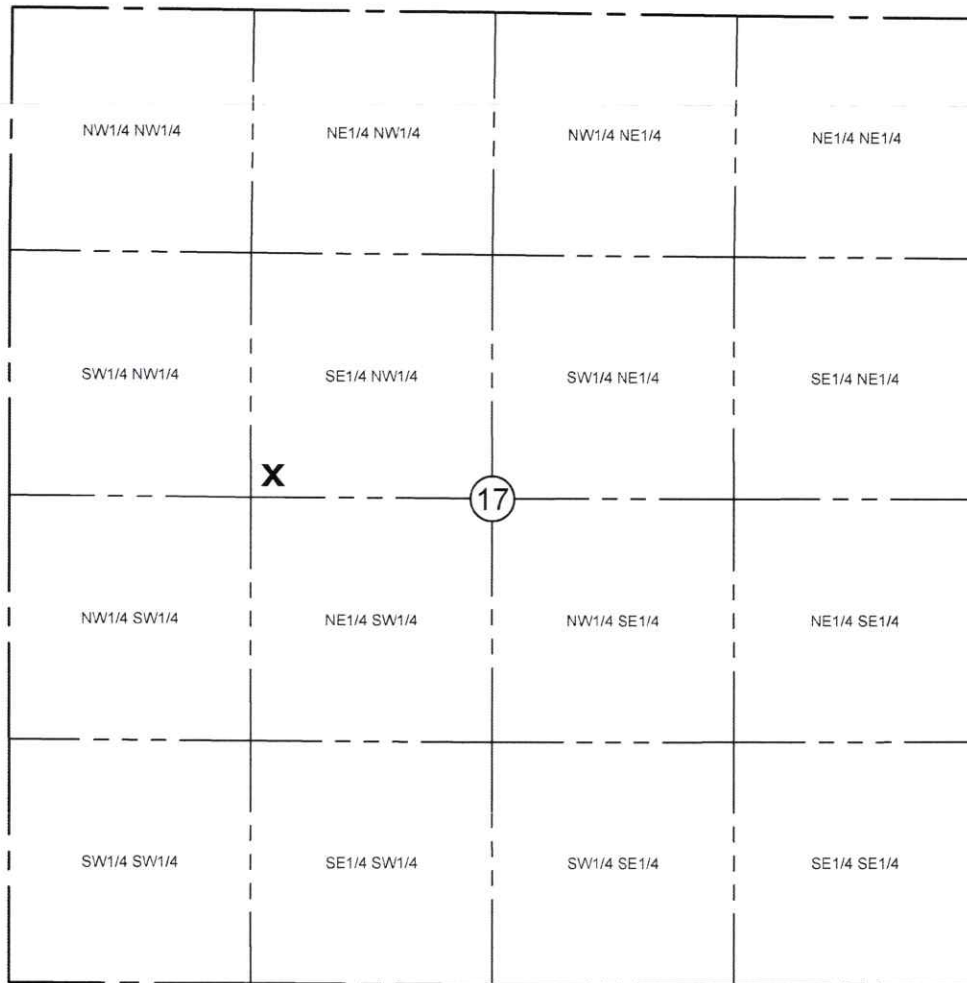
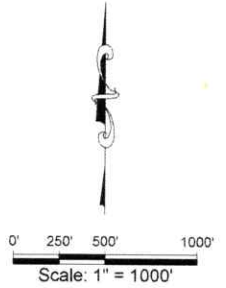
AUG 18 2023

Ck#

511823

Rec't#

X = Proposed Well Location



Butte-Meade
Sanitary Water District
Located in the
SE1/4 NW1/4 Section 17, T8N, R3E, BHM
Butte County, South Dakota

August 2023

Sheet Title:

Location:
SE1/4 SE1/4 Section 17
T8N, R3E, BHM

Surveyed By:

Date:

Drawn By: KJS

Checked By: JAP

Figure No.:

File Number:

180700



FMG ENGINEERING

3700 Sturgis Road
Rapid City, SD 57702
605.342.4105 • fmgengineering.com

RECEIPT

WATER RIGHTS PROGRAM South Dakota Department of Agriculture and Natural Resources

Date August 18, 2023

RECEIVED OF Butte-Meade Sanitary District PO Box 5 Newell SD 57760

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

Fee for Application for Permit No. <u>2033-1</u> to Appropriate Water, to construct and to put water to beneficial use	\$ <u>1850.00</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>2033-1</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>2050.00</u>

By Eric Gronlund
Chief Engineer
zm

Gronlund, Eric

From: Jason Pettyjohn <jpettyjohn@fmgengineering.com>
Sent: Friday, October 27, 2023 11:00 AM
To: Gronlund, Eric
Cc: Dallas Conner; mwolff@buttemeadewater.com; Duvall, Ron; Drennon, Kim
Subject: RE: [EXT] Water Permit Application for Butte-Meade Sanitary Water District

Eric,

It is not the intent to flow continuously. Approximately 60% of the continuous rate volume (1,448 x .60 = 869 Ac-Ft or 283,200,000 gal) would be an appropriate beneficial annual volume use.

The well will be valved or pumped by a set of controls as use is warranted.

Regards,



JASON PETTYJOHN, P.E.
SENIOR PROJECT ENGINEER

FMG ENGINEERING

3700 Sturgis Road • Rapid City, SD 57702
Office: 605.342.4105 • Cell: 605.787.3470
fmgengineering.com

From: Gronlund, Eric
Sent: Thursday, October 19, 2023 4:31 PM
To: dconner@buttemeadewater.com
Cc: Duvall, Ron <Ron.Duvall@state.sd.us>; Drennon, Kim <Kim.Drennon@state.sd.us>
Subject: Water Permit Application for Butte-Meade Sanitary Water District

Mr. Conner:

The Water Rights Program is concluding the review of the District's water permit application for a new Madison well in the SW ¼ NW ¼ Section 17, T8N, R3E. The application seeks an appropriation of 1451.7 acre feet annually at a maximum pump rate of 2.0 cubic feet of water per second (cfs).

In reviewing the application and staff report for the purpose of making a recommendation a couple questions / comments arise.

1. The annual volume for pumping or flow of 2.0 cfs continuously equates to 1,448 acre feet instead of 1451.7 acre feet.
2. Is it the District's intention to pump or allow flow continuously for a beneficial use by the rural water at a rate of 2.0 cfs? It is not common that water is used continuously in this manner since water needs vary throughout the year. If the District does intend to use water continuously, please provide an explanation for the need. If not, please provide an annual volume intended to be placed to beneficial use. It is common that 60 % of the flow/pump rate is used in determining the annual volume of water needed.
3. Please be aware that holding a water permit/right does not extend to the waste of water by allowing water to flow without making a beneficial use for the intended rural water system use. Please be aware that a qualification on the recommendation will be that the well shall be valved and the flow reduced to the amount needed or to a minimum when not being used.

Water Rights will await your response prior to finalizing the recommendation and going to public notice.



Eric Gronlund, PE
Chief Engineer, Water Rights Program
Department of Agriculture and Natural Resources
523 E. Capitol Ave. Pierre SD, 57501
605.773.3352
danr.sd.gov

Gronlund, Eric

From: Gronlund, Eric
Sent: Thursday, October 19, 2023 4:31 PM
To: 'dconner@buttemeadewater.com'
Cc: Duvall, Ron; Drennon, Kim
Subject: Water Permit Application for Butte-Meade Sanitary Water District

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Eric Gronlund, PE
Chief Engineer, Water Rights Program
Department of Agriculture and Natural Resources
523 E. Capitol Ave. Pierre SD, 57501
605.773.3352
danr.sd.gov

10/26/2024
Called Dallas Conner
605 456-2288
She said they received email
on volume requested. She
forwarded to other and they
will get back to us
Eric

Rodriguez, Rachel

From: Dallas Conner <dconner@buttemeadewater.com>
Sent: Tuesday, July 25, 2023 4:25 PM
To: Rodriguez, Rachel
Subject: RE: [EXT] Water Permit Application - Butte-Meade Sanitary District

Rachel,

Our engineer will get you the information soon.

Let me know if you have any questions.

Thanks,

Dallas Conner
dconner@buttemeadewater.com
Office Manager
Butte-Meade Sanitary Water District
PO Box 5
Newell, SD 57760
605-456-2288

From: Rodriguez, Rachel <Rachel.Rodriguez@state.sd.us>
Sent: Thursday, July 13, 2023 8:26 AM
To: Dallas Conner <dconner@buttemeadewater.com>
Subject: RE: Water Permit Application - Butte-Meade Sanitary District

Sure, per your request, attached is the original email.

☀️ Thank you,

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



From: Dallas Conner <dconner@buttemeadewater.com>
Sent: Thursday, July 13, 2023 9:19 AM
To: Rodriguez, Rachel <Rachel.Rodriguez@state.sd.us>
Subject: RE: [EXT] Water Permit Application - Butte-Meade Sanitary District

Rachel,

Could you please resend the original email to me and this email address?

Thank you,

Dallas Conner

dconner@buttemeadewater.com

Office Manager

Butte-Meade Sanitary Water District

PO Box 5

Newell, SD 57760

605-456-2288

From: bmswdoffice@sdplains.com <bmswdoffice@sdplains.com>

Sent: Thursday, July 13, 2023 8:09 AM

To: Dallas Conner <dconner@buttemeadewater.com>

Subject: Fwd: Water Permit Application - Butte-Meade Sanitary District

----- Original Message -----

Subject:Water Permit Application - Butte-Meade Sanitary District

Date:2023-06-26 10:07

From:"Rodriguez, Rachel" <Rachel.Rodriguez@state.sd.us>

To:"bmswdoffice@sdplains.com" <bmswdoffice@sdplains.com>

Good morning,

I am following up on an email send to you on April 17, 2023, regarding your water permit application. To date we have not heard back from anyone. Please let us know if you are still interested in completing the application or if you would like to withdraw your application.

Items still required:

- map, well log if applicable and the fee

Thank you,

Schlaak, Karen

From: Schlaak, Karen
Sent: Monday, April 17, 2023 4:35 PM
To: bmswdoffice@sdplains.com
Subject: FW: Water Permit Application for Butte-Meade Sanitary District

Just a reminder that we have not received the required info to proceed with processing this water permit application. Let me know if you have questions.
Karen

From: Schlaak, Karen
Sent: Tuesday, March 14, 2023 11:47 AM
To: bmswdoffice@sdplains.com
Cc: jpettyjohn@fmengineering.com
Subject: Water Permit Application for Butte-Meade Sanitary District

We have received your Application for Permit to Appropriate Water March 9th. Once the additional items (such as map, well log and fee) have been submitted, the application will be reviewed for completeness.

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

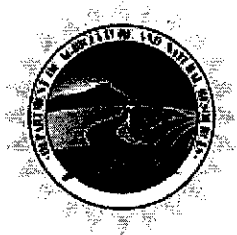


Schlaak, Karen

From: Schlaak, Karen
Sent: Tuesday, March 14, 2023 11:47 AM
To: bmswdoffice@sdplains.com
Cc: jpettyjohn@fmengineering.com - *email undeliverable*
Subject: Water Permit Application for Butte-Meade Sanitary District

We have received your Application for Permit to Appropriate Water March 9th. Once the additional items (such as map, well log and fee) have been submitted, the application will be reviewed for completeness.

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. 2033-1, Butte-Meade Sanitary Water District**

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. 2033-1, Butte-Meade Sanitary Water District, PO Box 5, Newell SD 57760.

The Chief Engineer is recommending APPROVAL of Application No. 2033-1 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 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. In accordance with SDCL 46-1-14 and 46-2A-20, Permit No. 2033-1 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. 2033-1 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 well will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner, under these Permits shall control withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
3. The well authorized by Permit No. 2033-1 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. The well approved under this Permit shall be valved and the flow reduced to the amount needed or to a minimum when not being used. If this well is abandoned or the Permit cancelled, the well must be plugged in accordance with Water Management Board Rules, Chapter 74:02:04.
5. The Permit holder shall report to the Chief Engineer annually the amount of water withdrawn from the Madison aquifer.
6. Water Permit No. 2033-1 appropriates up to 869 acre-feet of water annually.

See report on application for additional information.


Eric Gronlund, Chief Engineer
October 30, 2023

**Report to the Chief Engineer on
Water Permit Application No. 2033-1
Butte-Meade Sanitary District
25 September 2023**

Water Permit Application No. 2033-1 proposes to appropriate 869 acre-feet of water annually (ac-ft/yr) at a maximum diversion rate of 2.0 cubic feet of water per second (cfs) from one well completed into the Madison aquifer (approximately 3,000 feet deep) located in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 17-T8N-R3E Black Hills Meridian for rural water system use. This site is located approximately 3 miles east of Belle Fourche, South Dakota.

Aquifer: Madison Limestone (MDSN)

Hydrogeologic Characteristics

The Madison Group in South Dakota is a Lower Mississippian and Upper Devonian group of formations that in the Black Hills consists of the Englewood and Pahasapa Limestone formations [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 poor water quality far from the outcrops [4]. It crops out in the Black Hills and is buried elsewhere in South Dakota [3]. The Madison aquifer may be hydrologically connected to the underlying Deadwood aquifer. It is also hydrologically connected to the overlying Minnelusa aquifer [5]. The Minnelusa aquifer overlies the Madison unconformably [1], which means there was a period of erosion or weathering between when the Madison Group and the Minnelusa Formation were deposited. Transmissivity in the Madison aquifer mainly comes from secondary porosity features such as solution cavities, faults, and fractures [5]. Because most of the transmissivity in the Madison aquifer comes from secondary porosity features, aquifer characteristics in the Madison aquifer vary greatly from location to location [5].

The applicant did not submit a well completion report for this application, but sufficient information is available to determine the availability of unappropriated water and possibility of developing this application without unlawful impairment of existing water rights. A well completion report on file for a well in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 13 T8N-R3E approximately 4.6 miles east of the proposed well was completed on October 15, 1991, which will be called the Jeffery well from this point on. The geologist on site reported encountering the top of the Madison Group 2,599 feet below the kelly bushing, or approximately 325 feet above NGVD29. The geologist reported encountering the Stony Mountain Formation 3,290 feet below the kelly bushing, or at an elevation of 366 feet below NGVD29. The Jeffery well was drilled to a total depth of 3,750 feet for oil exploration and plugged below 3,179 feet below grade upon finding no oil. The well flowed approximately 120 barrels per minute (approximately 8.4 cfs) through a 9

5/8-inch casing and had a closed in pressure of 210 pounds per square inch (approximately 483 feet of water). Based on the formation tops as described, the Madison Group is approximately 691 feet thick near this application. The driller provided a land elevation of 2,911 above NGVD29, meaning the hydraulic head in the Madison aquifer was approximately 3,394 ft above NGVD29 near this application at the time the Jeffery well was completed. The elevation at the proposed well site is approximately 3,250 ft above NGVD29, so it is likely the Madison aquifer will flow if the well is not controlled.

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 and the applicant is a water distribution system as defined in SDCL 46-1-6(17). Therefore, the Water Management Board's authority to approve this application is not restricted by whether recharge exceeds withdrawals. However, a statewide and local hydrologic budget is included in this report for the information of the Chief Engineer and the Water Management Board.

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 [6]. There are several reports available estimating recharge to the Madison aquifer which have been referenced by Water Rights Staff in previous reports to the Chief Engineer.

Woodward-Clyde Consultants [7] 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 [7]. Woodward-Clyde Consultants produced a lower-bound recharge estimate of 140,000 ac-ft/yr based on the Rahn and Gries [8] report [7]. 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 [8]. Rahn and Gries [8, 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 [8] report estimated minimum recharge for a larger group of formations than the Woodward-Clyde Consultants report covers, and therefore was likely to overestimate recharge to the Madison aquifer under the assumptions made [7].

Carter, Driscoll, and Hamade [6] 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 [6]. Carter, Driscoll, and Hamade [6] estimated 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 or from the Madison aquifer outside of South Dakota. The Carter, Driscoll, and Hamade [6] report uses more years of data, more recent data, and better assumptions than the Woodward-Clyde Consultants [7] and Rahn and Gries [8] reports. Therefore, the best estimate of recharge to the Madison aquifer is based on the Carter, Driscoll, and Hamade [6] 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 the other aquifers, outflow to

springs and seeps, and 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 170 water rights/permits currently authorized to withdraw from the Madison aquifer and 11 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 170 active water rights/permits, 105 are primarily for some type 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 [10]. Estimated withdrawals for irrigation use are shown in Table 2. When there were more than 10 years of irrigation reports available, the average reported irrigation was used to estimate irrigation withdrawals. When there were fewer than 10 years of irrigation reports available, withdrawals are assumed to equal two acre-feet per acre, although actual usage is likely less for non-turf irrigation. Non-irrigation withdrawals from permit holders with irrigation also being 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)
2028-1	Bear Butte Valley Water, Inc	MD	RWS, WDS	03/23/2023	440
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					14,549
FR – Fall River, LA – Lawrence, MD – Meade, PE – Pennington					
MUN – Municipal, RWS – Rural Water System, WDS – Water Distribution System					

Water Right/Permit Nos. 1096-1, 1096A-1, 1496-1, and 1670-1 are all authorized to withdraw from the same 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

Report on Water Permit App. No. 2033-1

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 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; thus, 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.

Table 2: Permits with irrigation listed as one beneficial use, or are connected to an irrigation permit [10] [11]

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	4	200.0	0.0	200.0
1635-1	Black Hills National Cemetery	0.820	54.50	94.8	26	94.8	356.4	451.2
1452-1	Black Hills State College	3.330	25.44	20.3	33	20.3	1,447.5	1,467.8
1670-1	Buddy L, Peggy A, Kami S Ireland	3.610	253.00	47.5	24	*	*	*963.5
1096A-1	Butte Meade Sanitary Dist	1.330	0.00	N/A	0	*	*	*
2458-2	City of Rapid City	0.800	107.00	104.4	21	104.4	0.0	104.4
2002-1	City of Spearfish	1.330	40.00	0.0	1	80.0	0.0	80.0
2313-2	Coca-Cola Bottling	0.330	3.00	7.3	27	7.3	143.4	150.7
1899-1	Davis Ranches Inc	1.430	100.00	0.0	13	0.0	0.0	0.0
2673-2	Diocese of Rapid City	0.120	7.00	8.0	9	14.0	0.0	14.0
1009-1	Donald F/Ann J Brady	0.780	53.73	30.4	40	30.4	0.0	30.4
1185-1		0.380	22.52	110.3	40	110.3	***	110.3
2286-2	Donald Konechne	0.100	38.50	10.2	28	10.2	0.0	10.2
1707A-1	Elkhorn Ridge @ Frawley Ranches LLC	3.705	100.00	0.0	4	0.0	1,610.5	1,610.5
1707E-1		0.000	0.00	9.1	15	9.1	**	9.1
1931-1		0.170	3.30	3.2	9	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	50.7	8	530.0	0.0	530.0
1858-1	Glencoe Camp Resort II LLC	0.860	34.00	0.0	16	0.0	373.8	373.8
2593-2	Hart Ranch Development	0.490	72.50	19.9	15	19.9	213.0	232.9
1911-2	Hart Ranch Development Co	0.880	124.00	120.1	28	120.1	382.5	502.6
1725-2	Janice R Crowser	1.070	75.10	1.0	23	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	10	6.0	47.8	53.8
858-2	John & Heidi McBride	9.360	655.75	6.7	38	6.7	0.0	6.7
1885-1	John T & Veronica Widdoss	0.110	22.00	16.8	5	44.0	35.7	79.7
1223-1	Montana Dakota Land LLC	0.670	263.00	195.4	40	195.4	0.0	195.4
1960-1	One Diamond Inc	1.280	150.00	148.9	6	300.0	556.4	856.4
2013-1	Santa Maria Land and Cattle Corp.	2.220	460.00	N/A	0	920.0	0.0	920.0
1363-1	Spearfish Canyon Country Club	0.900	80.10	63.3	35	63.3	0.0	63.3
2106-2	Stuart Rice	0.080	2.80	0.8	30	0.8	34.8	35.6
1842-1	Tom C Davis	0.440	330.00	0.0	17	0.0	0.0	0.0
2741-2	Tubbs Land & Cattle LLC	3.340	567.00	149.5	3	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		43.805	4,061.7	1,327.8	-	4,136.7	5,340.9	10,497.0

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

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 [12].

There are 47 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, so the volume limit listed on their permits is assumed to be their total appropriation. The total volume limit listed by such permits is 26,868 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 their maximum 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.

In addition to the potential withdrawals by future use permits described above, four other applications are deferred, held in abeyance, or pending review. Water Permit Application No. 2585-2 for Southern Black Hills Water System proposes 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 proposes 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 **Error! Reference source not found..** The total estimated withdrawal, including withdrawals reserved for future use and held, or deferred applications is approximately 71,300 ac-ft/yr. This application proposes to withdraw up to 869 ac-ft/yr, if approved. Therefore, based on the statewide hydrologic budget, there is reasonable probability unappropriated water is available for this application.

Table 3: Summary of estimated average annual withdrawals and appropriations

Estimation Type	Count	Est. Use (ac-ft/yr)
Irrigation	34	10,497
Volume Limit	47	26,868
Diversion Rate Limit	89	16,897
<i>Subtotal (authorized to withdraw)</i>	<i>170</i>	<i>54,262</i>
Future Use	11	14,549
Pending/Deferred/held	2	2,489
Grand total	183	71,300

Local Hydrologic Budget

Carter, et al [9] 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. The boundaries of the Carter et al. [9] subareas were designed to minimize flow across 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 to the Madison aquifer in Subarea 1 is 71.9 cfs, or approximately 52,100 ac-ft/yr [6] [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 two aquifers is different within each subarea. There are 35 water rights/permits authorized to withdraw from Subarea 1 and two future use permits reserving water from Subarea 1. Domestic well withdrawals are negligible on the scale of this hydrologic budget. Using the same methods as described in the Statewide Discharge section, the total estimated withdrawal from Subarea 1 is 18,814 ac-ft/yr. This application proposes to withdraw up to 1,451.7 ac-ft/yr, if approved. Therefore, based on the local hydrologic budget in combination with other information available, there is reasonable probability unappropriated water is available for this application.

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 wells to this application are LA-88C, located approximately 12 miles south of this application, LA-95A, located approximately 13 miles south of this application, and LA-96B and LA-87A, both located approximately 14 miles southwest of this application [13]. Figure 1 shows the locations of those observation wells and the site of the proposed well [13]. Figure 2 shows water level elevations in those wells [13]. Water level data in those wells is representative of the fluctuations in the Madison aquifer near this application. Water level data in the observation well shows a rising trend, on average. In general, water levels rise during periods of higher-than-average rainfall and decline during periods of lower-than-average rainfall, as well as seasonal declines from nearby water rights/permits. 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.

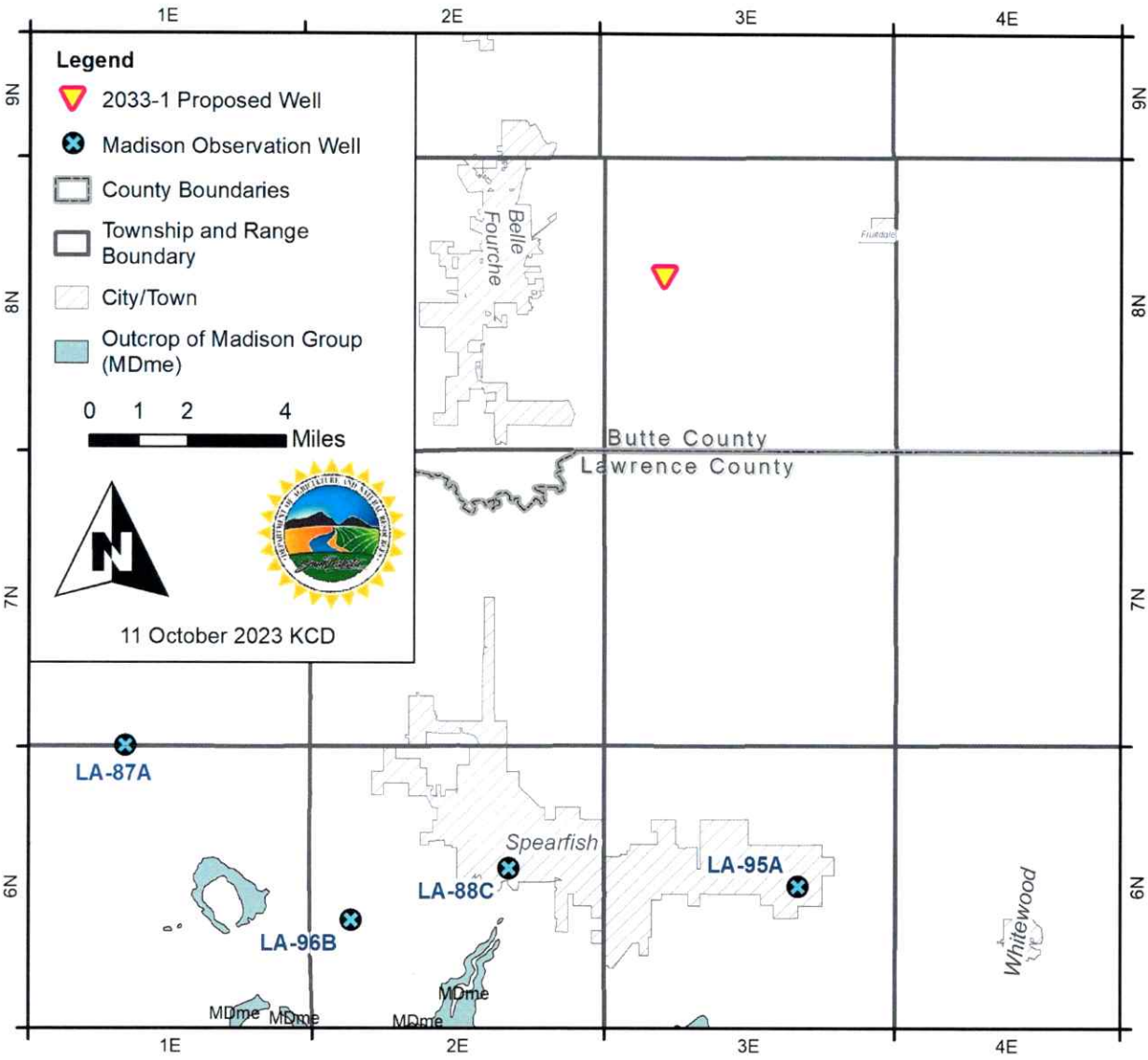


Figure 1: Observation wells near this application [13]

Select Madison Aquifer Observation Wells

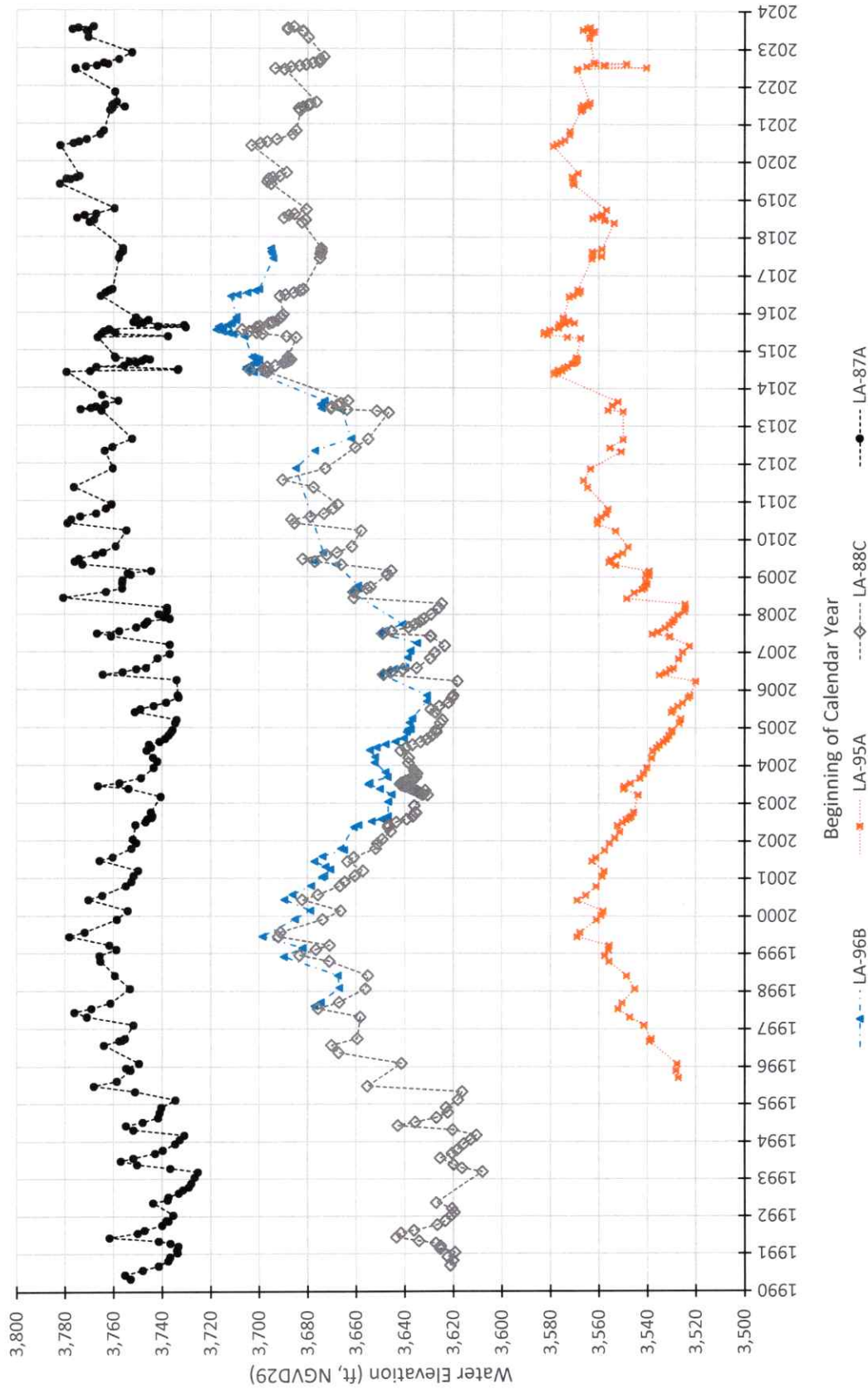


Figure 2: Water level elevations in Madison aquifer wells nearest this application [13]

Possibility of Unlawful Impairment of Existing Water Rights

The nearest water right/permit to this application is Water Right No. 1481A-1 held by the City of Belle Fourche, located approximately 3 miles west of this application. The nearest domestic well that is likely to be completed into the Madison aquifer on file with the Water Rights Program is the Jeffrey well described in the Hydrogeologic Characteristics section. The location of domestic wells is provided by the well driller on the well completion report. 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 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 [14]. 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. Exact aquifer behavior cannot be known without an aquifer performance test. The applicant must 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 from the Madison aquifer in Butte County [15]. Observation wells completed into this aquifer near larger appropriative wells show limited drawdown when the large appropriative wells are in use [13]. Given the lack of well interference complaints in this aquifer in Butte County, the distance from the proposed well to the nearest appropriative and domestic wells on file, and limited drawdown shown in observation wells completed near larger appropriations, there is reasonable probability this application can be developed without unlawful impairment of existing water rights with adequate wells and adequate domestic wells.

Springs

The nearest major spring supplied by the Madison aquifer is the Old Spearfish Hatchery Spring, located approximately 9 miles southwest of this application. [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 spring flow from the Madison aquifer.

Special Consideration: Flowing Wells

The well for this application is likely to flow at land surface. Administrative Rule of South Dakota 74:02:04:76 provides that any well that may flow shall be constructed to allow the completed well to be completely shut off. The rule allows the flow to be reduced to no more than 5 gallons per minute to prevent freezing when not in use.

Conclusions

1. Water Permit Application No. 2033-1 proposes to appropriate up to 869 ac-ft/yr at a maximum diversion rate of 2.0 cfs from one well completed into the Madison aquifer located in the SE ¼ NW ¼ Section 17-T8N-R3E Black Hills Meridian for rural water system use.
2. Based on the hydrologic budget 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 or domestic uses.
4. There is reasonable probability this application can be developed without noticeably impacting spring flow from the Madison aquifer.
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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**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

October 30, 2023

Butte-Meade Sanitary Water District
c/o Bob Lewis
PO Box 5
Newell SD57760

Dear Mr. Lewis:

Water Permit Application No. 2033-1 for rural water system use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice has been sent to the Black Hills Pioneer printed in 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,

Rachel Rodriguez

Rachel Rodriguez
Water Rights Program
(605) 773-3352

enclosures

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

NOTICE OF APPLICATION NO. 2033-1 to Appropriate Water

Notice is given that Butte-Meade Sanitary Water District, c/o Bob Lewis, PO Box 5, Newell SD 57760 has filed an application for a water permit to appropriate 869 acre-feet of water annually at a maximum pump rate of 2.0 cubic feet of water per second from one well to be completed into the Madison Aquifer (approximately 3,000 feet deep) located in the SE 1/4 NW 1/4 Section 17-T8N-R3E for rural water system use. This site is located approximately 3 miles east of Belle Fourche SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2033-1 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 November 20, 2023.

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

Any interested person may file a comment on the application with the Chief Engineer. The comment shall be filed on a form provided by the Chief Engineer and is available online at <https://danr.sd.gov/public> or by calling (605) 773-3352 or writing the Chief Engineer at the address provided above. Filing a comment does not make the commenter a party of record or a participant in any hearing that may be held. Any comment must be filed by November 20, 2023.

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

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Notice is given that Butte-Meade Sanitary Water District, c/o Bob Lewis, PO Box 5, Newell SD 57760 has filed an application for a water permit to appropriate 869 acre-feet of water annually at a maximum pump rate of 2.0 cubic feet of water per second from one well to be completed into the Madison Aquifer (approximately 3,000 feet deep) located in the SE 1/4 NW 1/4 Section 17-T8N-R3E for rural water system use. This site is located approximately 3 miles east of Belle Fourche SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2033-1 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 December 7, 2023.

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

Any interested person may file a comment on the application with the Chief Engineer. The comment shall be filed on a form provided by the Chief Engineer and is available online at <https://danr.sd.gov/public> or by calling (605) 773-3352 or writing the Chief Engineer at the address provided above. Filing a comment does not make the commenter a party of record or a participant in any hearing that may be held. Any comment must be filed by December 7, 2023.

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

*DANR website notice
11/27/23*

Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Monday, October 30, 2023 10:56 AM
To: legals@bhpioneer.com
Subject: 2033-1 Butte-Meade Sanitary Water District
Attachments: 2033-1 public.short_final.docx; FORM8.FRM.doc

Attached is a notice to be published on November 9, 2023.

Butte-Meade Sanitary Water District, c/o Bob Lewis, PO Box 5, Newell SD 57760, (605-456-2288) 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 Ave, Pierre SD 57501.

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

Thank you,

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



RECEIVED

NOV 16 2023

OFFICE OF
WATER

Affidavit of Publication

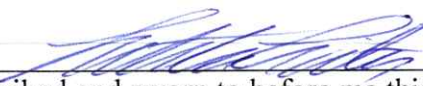
STATE OF SOUTH DAKOTA:

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. 2033-1

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 9th day of Nov., 2023, 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 14th day of Nov., 2023



Notary Public, Lawrence County, South Dakota

My commission expires: 7-18-2025

**NOTICE OF
APPLICATION NO.
2033-1 to Appropriate
Water**

Notice is given that Butte-Meade Sanitary Water District, c/o Bob Lewis, PO Box 5, Newell SD 57760 has filed an application for a water permit to appropriate 869 acre-feet of water annually at a maximum pump rate of 2.0 cubic feet of water per second from one well to be completed into the Madison Aquifer (approximately 3,000 feet deep) located in the SE 1/4 NW 1/4 Section 17-T8N-R3E for rural water system use. This site is located approximately 3 miles east of Belle Fourche SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2033-1 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.

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 November 20, 2023.

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

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 November 20, 2023.

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 \$41.73 and can be viewed free of charge at www.sd-publicnotices.com.

#290
Nov 9

Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Monday, October 30, 2023 10:59 AM
To: bmswdoffice@sdplains.com
Subject: 2033-1 Butte-Meade Sanitary Water District
Attachments: 2033-1_rec.pdf; 2033-1_Ltr.pdf; 2033-1_PubNotice.pdf

Good Morning,

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

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

Thank you,

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





**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

DEC 29 2023

Butte-Meade Sanitary Water District
Bob Lewis, President
PO Box 5
Newell SD 57760

Dear Mr. Lewis:

Enclosed is Water Permit No. 2033-1 authorizing construction of the water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

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

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

Sincerely,

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

enclosures



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

**Affidavit of Public Notice
Posting 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.: 2033-1

Name of Applicant: Butte-Meade Sanitary Water District, Bob Lewis

Date of Posting: 11/27/2023

Date of Removal: 12/29/2023

Ron Duvall, Engineer III

12/29/2023

Date

Subscribed and sworn to before me, a notary public, this 29 day of December, 2023.

Notary Public - South Dakota

My commission expires:

Rachel Rodriguez
My Commission Expires
May 16, 2029

(SEAL)

