

WATER PERMIT NO. 2036-1

Name of Applicant: **Action for the Betterment of our Community**

Address: **1428 Short Track Road, Sturgis SD 57785**

Phone: **605-347-2991**

Amount of Water Claimed: **0.089 cfs**

Total Acres:

Source of Water Supply: **Groundwater**

Water to be used for: **WDS/Commercial**

County: **Meade**

Type of Waste Disposal System:

Location: **Just west of Sturgis SD**

PRIORITY Date Received: **03-07-24**

Application/License Fee: **\$300.00**

Corrected Application Received:

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

Remarks: **Well is used by 6 tiny homes, 1 home, and 1 commercial building.**

Diversion Point: **SW 1/4 NE 1/4 Sec 8-T5N-R5E**

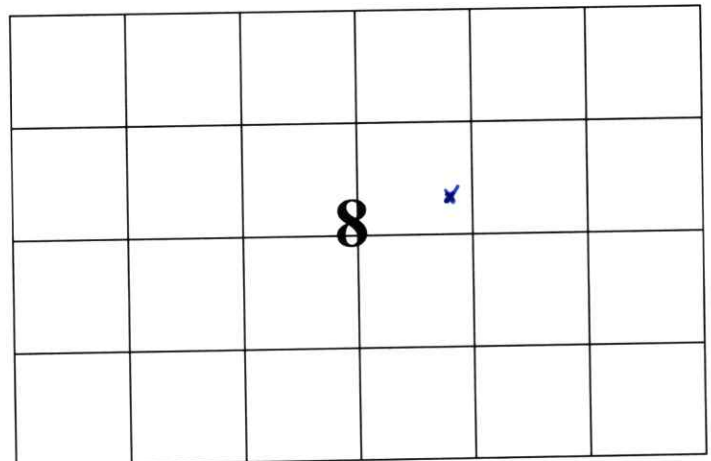
Land to be Irrigated: **N/A**

Depth of Well: **515**

Well Driller: **Heaton**

Remarks:

Type of Map: **aerial**



Reviewed and the Number Assigned on: **03-08-24**

By: **Rachel Rodriguez**

Notice of Hearing - date to intervene: _____

SOUTH DAKOTA
WATER PERMIT NO. 2036-1

Date of first receipt of application March 7, 2024.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 2036-1 to Action for the Betterment of Our Community, 1428 Short Track Road, Sturgis SD 57785, 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. 2036-1 appropriates 0.46 acre-feet of water annually at a maximum pump rate of 0.09 cubic feet of water per second from one well completed into the Minnelusa Aquifer (515 feet deep) located in the SW 1/4 NE 1/4 Section 8-T5N-R5E. The water is for a water distribution system and commercial use purposes, located in the SW 1/4 NE 1/4 Section 8-T5N-R5E. This site is located west, just outside the city limits of Sturgis SD.
2. The water appropriated shall be used for the purpose of water distribution system and commercial 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. 2036-1 is June 3, 2024.
5. The date from which applicant may claim right is March 7, 2024.
6. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. The well approved under Water Permit No. 2036-1 is located near domestic wells and other wells which may obtain water from the same aquifer. Water withdrawals shall be controlled so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The Permit holder shall report to the Chief Engineer annually the amount of water withdrawn from the Minnelusa aquifer.
3. Water Permit No. 2026-1 authorizes a total annual diversion of up to 0.46 acre-feet of water (150,000 gallons) from the Minnelusa aquifer.

WATER MANAGEMENT BOARD

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

JUN 10 2024
date



RECEIVED

MAR 07 2024

FORM 2: Application for uses other than irrigation
(type or print)

OFFICE OF
WATER

PAID

MAR 07 2024

Ck# 32021
Rec't# 31712

Mail to: SD DANR, Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. <u>2036-1</u> Hydrologic Unit <u>10/20202</u> Basin <u>Belle Fourche</u> Newspaper <u>Faith Independent</u> <u>Spearfish Black Hills Pioneer</u> (office use only)
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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.)

- Name to Appear on Water Permit Action for the Betterment of our community
Mailing Address 1428 Short Track Road Sturgis SD 57285
(Address) (City) (State) (Zip Code)
Phone 605-347-2991 Mobile _____ Email Kathy@sturgisabc.org
- Amount of water claimed 0.09 *CFS or 40 **GPM and 0.46 ***AF or 150,000 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)
- Source of water supply ground water
- Location of point of diversion see driller Report SW1/4 NE1/4 Sec 8-T5N-R5E County Meade
(example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)
If not a public water supply (e.g. municipal), will water be used outside of the area described above? ☐ Yes ☒ No
If "Yes," where will water be used? _____
(example - NW1/4 section 12-T104N-R53W)
- County or counties where water will be used meade
- Annual period during which water is to be used year Round
- 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)

Permitting current well structure for use by 6 tiny homes, 1 home and 1 commercial building.

I, Kathy, 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)a) If new wells, how many _____ Have test holes been drilled? ☐ Yes ☐ No Drilled by _____
(if yes, please provide copies of logs)b) If existing wells, how many 1 Provide copy of log(s), if available. Drilled by Heaton**For either existing or proposed wells:**c) Well Depth (required) 515 Depth to Top of Water Bearing Material 315 Depth to Water from Surface 225d) Distance to nearest domestic well on applicant's property NA Property owned by others NA**2. Wastewater Disposal System Information**a) Type of System (i.e. septic tank, drain field) Septic tank, drain field.b) System Capacity (gallons) 1500 x 2 Year Constructed not known.c) Connected to the City of NA 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)

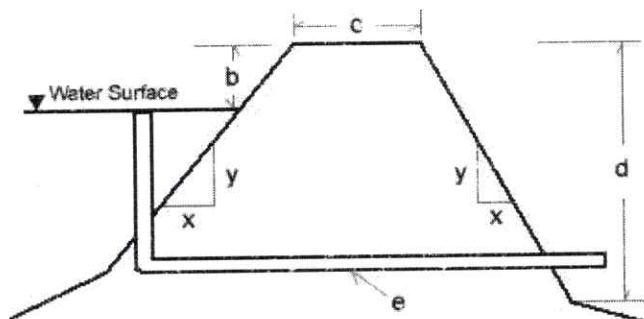
Upstream _____

Downstream _____

h) Area of Impoundment _____

i) Storage _____ Acre Feet

j) Drainage Area Above Dam _____ Acres



Water Well Completion Reports

SEARCH WELLS

DRILLERS

PUMP INSTALLERS

Disclaimer

Help

Tools



Zoom To

Hide Search

LOCATION [Mobile-Friendly Search](#)

TwN-Rng-Sec: 005N 005E

Zoom to TRS

County:

OWNERSHIP

Last Name:

Business:

WELL INFO

Depth: between ☐ = ☐ < ☐ >

Date Completed: mm/dd/yyyy mm/dd/yyyy between ☐ = ☐ < ☐ >

Well Type:

Driller:

Search Clear

BUFFER SEARCH

Radius in miles Set Buffer

Lower Left- XMin: -103.55 YMin: 44.41 Upper Right- XMax: -103.53 YMax: 44.41

37754

Compl Rpt: 00006002.pdf

Last Name:BOEHR

First Name:WAYNE

Business:

County:Meade

Well Type:DOM

Township:

Range:

Section:8

QQ:SNE

Latitude:44.41104

Longitude:-103.533401

Driller No.:197

Compl Date: Thu, 09 Jul 1981

00:00:00 GMT

Permit No.:

Depth:515

Zoom In

Download Selected (Excel) Download Selected PDFs Email Results Email To: Found 285 matches Hide Search Results

Show More Results									
ALDON	HULTER	DOM	Meade	5N	5E	6	04/14/1973	300	00005989.pdf
E. B.	WILSON	DOM	Meade	5N	5E	7	10/27/1974	276	00006001.pdf
LAWRENCE	SEPTKA	DOM	Meade	5N	5E	7	10/12/1973	260	00005993.pdf
ROBERT J.	PACKER	DOM	Meade	5N	5E	15	06/02/1981	910	00050841.pdf
WAYNE	BOEHR	DOM	Meade	5N	5E	8	07/08/1981	515	00006002.pdf
JOYCE	HEGSTRUM	DOM	Meade	5N	5E	6	09/15/1982	100	00043178.pdf

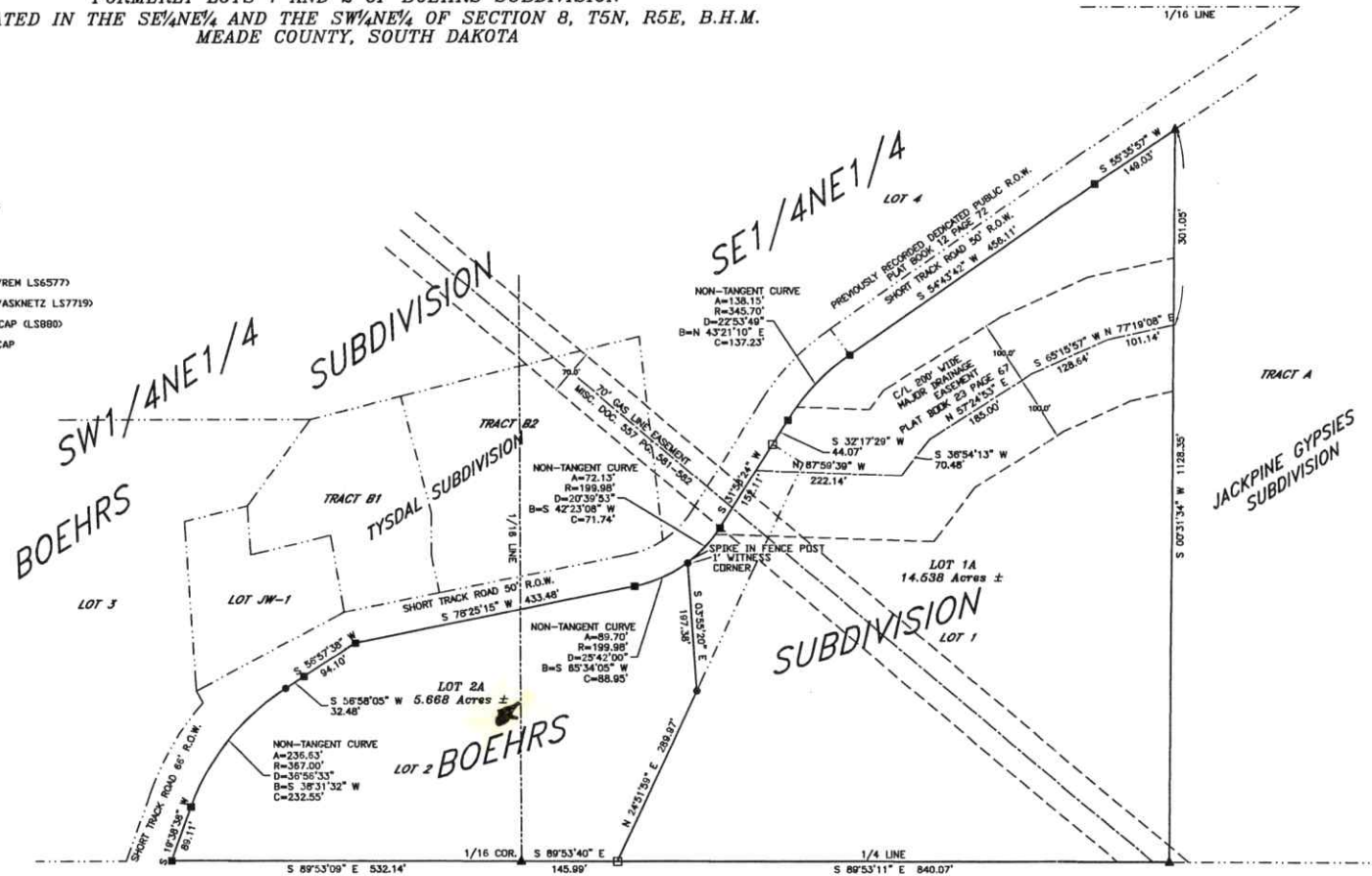
Adam
Malmquist
773-4401

well marker is
yellow

PLAT OF LOTS 1A AND 2A OF BOEHR'S SUBDIVISION
FORMERLY LOTS 1 AND 2 OF BOEHR'S SUBDIVISION
LOCATED IN THE SE $\frac{1}{4}$ NE $\frac{1}{4}$ AND THE SW $\frac{1}{4}$ NE $\frac{1}{4}$ OF SECTION 8, T5N, R5E, B.H.M.
MEADE COUNTY, SOUTH DAKOTA



- REBAR & CAP (VREM LS6577)
- REBAR & CAP (VASKNETZ LS7719)
- ▲ REBAR & ALUM. CAP (LS880)
- REBAR & ALUM. CAP



Prepared By:
PONDEROSA LAND SURVEYS, L.L.C.
332A WEST MAIN ST.
LEAD, SOUTH DAKOTA 57754
(605) 722-3840

Date:	10/16/2023
Drawn By:	L. D. Vrem
Project No.:	23-274
Dwg. No.:	23-274.dwg

NOTES:

- 1) 8' WIDE UTILITY AND DRAINAGE EASEMENT ON THE INTERIOR SIDE OF ALL LOT LINES
- 2) BUILDING SETBACKS AS PER CITY OF STURGIS TITLE 18 ZONING CODES. 25' ON FRONT 25' ON REAR AND 10' ON ALL SIDE LOT LINES



well markers
in yellow



T05N R05E



Township: 5N 5E
Section: 05
QQ Sect: SESW

5N 5E
Section: 05

US HWY 14A

14A

Township: 5N 5E
Section: 05
QQ Sect: SWSE

Township: 5N 5E
Section: 05
QQ Sect: SESE

Township: 5N 5E
Section: 04
QQ Sect: SWSW

5N
Section: 05

Township: 5N 5E
Section: 08
QQ Sect: NWNW

Township: 5N 5E
Section: 08
QQ Sect: NENW

Township: 5N 5E
Section: 08
QQ Sect: NWNE

Township: 5N 5E
Section: 08
QQ Sect: NENE

Township: 5N 5E
Section: 09
QQ Sect: NWNW

Township: 5N 5E
Section: 08
QQ Sect: SWNW

Township: 5N 5E
Section: 08
QQ Sect: SENW

Township: 5N 5E
Section: 08
QQ Sect: SWNE

Township: 5N 5E
Section: 08
QQ Sect: SENE

Township: 5N 5E
Section: 09
QQ Sect: SWSW

10120202 Lower Belle Fourche

5N 5E
Section: 08

5N 5E
Section: 09

Township: 5N 5E
Section: 08
QQ Sect: NWSW

Township: 5N 5E
Section: 08
QQ Sect: NESW

Township: 5N 5E
Section: 08
QQ Sect: NWSE

Township: 5N 5E
Section: 08
QQ Sect: NESE

Township: 5N 5E
Section: 09
QQ Sect: NENE

Township: 5N 5E
Section: 08
QQ Sect: SWSW

Township: 5N 5E
Section: 08
QQ Sect: SESW

Township: 5N 5E
Section: 08
QQ Sect: SWSE

Township: 5N 5E
Section: 08
QQ Sect: SESE

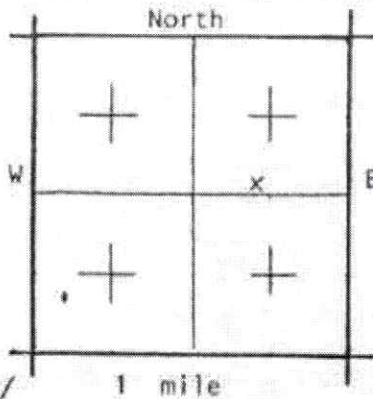
Township: 5N 5E
Section: 09
QQ Sect: SWSW

1) Owner:

Name Wayne Becker

Address _____

Well Location:

Mark location
with an "X"County MeadeS 1/4 NE 1/4 Sec. 8 Twp. 5 Rg. 5

Proposed Use:

☒ Domestic ☐ Municipal ☐ Test Holes
☐ Irrigation ☐ Industrial ☐ Stock

Method of Drilling:

☒ Forward Rotary ☐ Bored ☐ Jetted
☐ Reverse Rotary ☐ Cable ☐ Other

Well Construction:

 Diameter of Hole 2 7/8 top Bottom 9 5/8
 Depth 378
 Casing ☐ Steel ☐ Concrete
☒ Plastic ☐ Other
 If other, specify Sch 80 PVC
Was casing end left open yesWas a well screen installed NO

Describe Well Screen

Diameter _____ Material _____

Slot size _____

Was well gravel packed NOWas well grouted yes

Was water sample taken _____

Water Level Information:

Static water level 225 below land surface

If flowing: closed in pressure _____ PSI

rate of flow _____ GPM

Controlled by:

☐ Valve ☐ Reducers ☐ Other

If other; specify _____

Well Test Data:

☒ Pumped☐ Bailed☐ OtherDescribe: 35 cfm
97 3 15 ft

Pumping Level Below Land Surface

_____ ft. After _____ Hrs. pumped _____ GPM

_____ " " _____ " " _____ " "

_____ " " _____ " " _____ " "

Well Log:

Formation	Depth	
	From	To
Top Soil	0	7
Gravel	7	16
Speartfish	16	138
Manganese		
Limestone	138	180
Speartfish	180	315
Limestone	315	345
Red Clay	345	360
Yellow Clay	360	410
Limestone	410	440
White Sand	440	450
Yellow Sand	450	515
Limestone	515	575
Yellow Sand	575	615

(Use Back if Necessary)

Date Completed: 7/9/81

Driller:

Heaton Drillers 197
 Driller's or Firm's Name License No.

Boulder Canyon
 Address Sturgis
Dave Heaton 7/16/81
 Signed By Date

Remarks:

RECEIPT

WATER RIGHTS PROGRAM South Dakota Department of Agriculture and Natural Resources

Date March 7, 2024

RECEIVED OF ABC/New Dawn 1428 Short Track Rd., Sturgis SD 57785

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

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

By *Eric Gronlund*
Chief Engineer *me*

Rodriguez, Rachel

From: Drennon, Kim
Sent: Friday, March 1, 2024 1:48 PM
To: Gronlund, Eric; Duvall, Ron
Cc: Friedeman, Barbara; Rodriguez, Rachel
Subject: FYI - water permit application coming in

I took a call from someone named Cathy from an organization called Action for the Betterment of the Community (I have now just realized it abbreviates down to ABC and that is probably how they chose that name) which is some tiny homes etc. that all get water from one well. In a rare turn of events she had her well completion report in front of her <https://danr.sd.gov/wrimage/WellCompletionReports/images15k/00006002.pdf> and the driller I guess didn't bother to tell the previous owner that they needed a water right permit even though their pump can run up to 40 gallons per minute. The County told her she needed a water right permit so I gave her instructions on how to apply for one and also told Barb about this so she can talk to Cathy about if they need to be certified with the Drinking Water Program (unlikely). Cathy didn't know anything about her septic system so I told her to leave that section of the application blank for now.

Her number is (605) 645-0350

Kim Drennon (she/her)
Natural Resources Engineer
Water Rights Program/Safety of Dams Program
South Dakota Dept. of Agriculture and Natural Resources
(605) 773-3352

Rodriguez, Rachel

From: Friedeman, Barbara
Sent: Friday, March 1, 2024 3:18 PM
To: kathy@sturgisabc.org
Cc: Drennon, Kim; Rodriguez, Rachel; Duvall, Ron; Gronlund, Eric
Subject: Action for the Betterment of the Community-water system
Attachments: cpwsrequirementsstammie.docx

Kathy, thanks for speaking with me this afternoon.

Let me outline the number of service connections and number of people served as you provided them to me. The well serves 8 service connections – 6 tiny homes, 1 commercial building, and 1 residential building. The tiny homes house only 1 person per home. Your commercial building is occupied by 3 people full time. The residential bldg. can house up to 7 people. That comes to 16 people.

The threshold to be regulated as a public water system is 15 or more service connections or 25 or more people per day. As you described it to me, this water system does not serve enough people or have enough service connections to be regulated as a public water system.

As you requested and for your information, attached are the sampling and other requirements that a community public water system must comply with.

Even though you are not required to, we do recommend that you collect a bacteriological sample periodically for those people using the water. If you ever expand the water system and add more service connections and/or more people, we can revisit the threshold numbers.

Barb Friedeman
DANR-Drinking Water Program
523 East Capitol Avenue
Pierre, SD. 57501
Phone: 605-773-4052
Fax: 605-773-5286
Email: Barbara.friedeman@state.sd.us



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 2036-1, Action for the Betterment of Our Community**

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. 2036-1, Action for the Betterment of Our Community, c/o Kathy Jensen, 1428 Short Track Road, Sturgis SD 57785.

The Chief Engineer is recommending APPROVAL of Application No. 2036-1 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. The well approved under Water Permit No. 2036-1 is located near domestic wells and other wells which may obtain water from the same aquifer. Water withdrawals shall be controlled so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The Permit holder shall report to the Chief Engineer annually the amount of water withdrawn from the Minnelusa aquifer.
3. Water Permit No. 2026-1 authorizes a total annual diversion of up to 0.46 acre-feet of water (150,000 gallons) from the Minnelusa aquifer.

See report on application for additional information.

Eric Gronlund, Chief Engineer
May 9, 2024

**Report to the Chief Engineer on
Water Permit Application No. 2036-1**
Action for the Betterment of our Community
29 April 2024

Action for the Betterment of our Community (ABC) proposes to appropriate 0.46 acre-feet of water annually (ac-ft/yr) at a maximum diversion rate of 0.09 cubic feet of water per second (cfs), equivalent to 40 gallons per minute (gpm), from one well completed into the Minnelusa aquifer located in the SW ¼ NE ¼ Section 8-T5N-R5E. The water is for a water distribution system and commercial use purposes located in the SW ¼ NE ¼ Section 8-T5N-R5E. This site is located just west of the city limits of Sturgis, South Dakota.

Aquifer: Minnelusa (MNLS)

Hydrogeologic Characteristics

The Minnelusa aquifer is composed of the saturated and permeable portions of the Minnelusa Formation. The Minnelusa Formation is an early-Permian and Pennsylvanian aged [1] sandstone, limestone, dolomite, and shale which is generally yellow to red [2]. The Minnelusa Formation lies unconformably below the Opeche Shale and above the Madison Group [1]. The Minnelusa Formation and its equivalents underlie significant portions of Montana, North Dakota, Wyoming, and South Dakota, and extend into Nebraska as well [3]. The Minnelusa Formation underlies approximately 23 million acres and stores approximately 756 million acre-feet in South Dakota west of the Missouri River [4]. Some areas of the Minnelusa aquifer have a strong hydrologic connection to the Madison aquifer below it. Transmissivity in the Minnelusa aquifer can come from both primary porosity (voids in the sands) and secondary porosity (joints, fractures, faults, breccia pipes, etc) [5].

The well for this application was completed on July 9, 1981 by Heaton Drillers for a previous owner of the well identified on this application. The driller reported encountering the Opeche Shale from 180 to 315 feet below grade, limestone and red clay from 315 to 345 feet, yellow clay from 345 to 360 feet, limestone from 360 to 410 feet, white sand from 410 to 440 feet, yellow sand and limestone lenses from 440 to 450, and yellow sandstone from 450 to 515 feet below grade. The static water level at the time the well was completed was 225 feet below grade. The driller indicated the bottom 95 feet of the well are an open hole 3 7/8 inch in diameter. The driller did not indicate a pump was installed nor that a water sample was taken. However, the applicant indicated that there has been a pump capable of producing 40 gpm in that well since it was constructed [6]. This application is the result of the applicant being informed by Meade County that they would need a water right permit [6]. The elevation of the water level in the well and first occurrence of Minnelusa Formation are consistent with published contour maps of the potentiometric surface and structure of the formation [7] [8]. Based on the information provided by the driller, the Minnelusa aquifer is under confined conditions near this application, which is true for the aquifer in general [9].

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 component of this application is a water distribution system as defined in SDCL 46-1-6(17). The Minnelusa aquifer is older and stratigraphically lower than the Greenhorn Formation. Therefore, for the component of this application which is a water distribution system, the Water Management Board's authority to approve this application is not restricted by whether recharge exceeds withdrawals.

Availability of Water

Statewide Hydrologic Budget

Statewide Recharge

Recharge to the Minnelusa aquifer is mainly by infiltration of precipitation and streamflow along the outcrop, although there is also interflow between the Madison aquifer and the Minnelusa aquifer which may contribute to the Minnelusa aquifer's recharge as well [10]. Driscoll and Carter [10] estimated the recharge to the Madison and Minnelusa aquifers combined, over the period of record of 1950-98 in South Dakota is 214 cfs (155,000 ac-ft/yr). Carter, Driscoll, and Hamade estimated that recharge to the Madison and Minnelusa aquifers combined was on average 344 cfs for all of the Black Hills in South Dakota and Wyoming for the period of record of 1931-98 [11]. Of the two aquifers, the Minnelusa aquifer provides 45% of the outcrop area in the Black Hills [10], so multiplying the proportion of the outcrop area by the total recharge to both aquifers gives a total estimated recharge from streamflow and precipitation of 96.3 cfs (69,800 ac-ft/yr) for the area within South Dakota, and 155 cfs (112,000 ac-ft/yr) for the entire Black Hills in South Dakota and Wyoming.

Statewide Discharge

Discharge from the Minnelusa aquifer is by evapotranspiration, flow to springs and other surface water features, domestic and appropriative well withdrawals, and possibly by groundwater outflow to other areas [10]. Due to the prevalence of water distribution systems and relatively low withdrawal rate per domestic well, withdrawals by domestic self-supply wells are a negligible amount compared to the hydrologic budget. There are 195 water rights/permits authorized to withdraw from the Minnelusa aquifer and one future use permit reserving water from the aquifer [12]. Future Use Permit No. 439-2 reserves 3,367 ac-ft/yr from multiple aquifers including the Minnelusa. Of the 195 water rights/permits, 60 are for some kind of water distribution system (municipal, rural water, etc.), 54 are for commercial use, 50 are for irrigation use, 11 are for industrial use, 10 for institutional use, 8 for domestic use, 1 for recreational use,

and 1 for fish and wildlife production [12]. Irrigation withdrawals are reported for the period of record of 1982-2023 [13]. Appendix Table 3 (page 9) details average reported irrigation for all water right permits currently authorized to withdraw from the Minnelusa aquifer. For permits where less than 9 years of irrigation are available, the estimated withdrawal is 2 acre-feet per acre which is likely an overestimate of actual usage. There are 11 permits where there is a volume limit described on their permit. Those permits are assumed to withdraw their full appropriated volume, for a total of 255 ac-ft/yr. There are 134 other permits which are assumed to withdraw at the maximum rate listed on their permit or license 60% of the time. This is a value which Water Rights Staff has determined is a reasonable overestimate of likely actual usage and has been accepted previously by the Water Management Board. For the 134 water rights/permits assumed to withdraw their maximum diversion rate 60% of the time, the estimated withdrawal is 12,153 ac-ft/yr.

Summary of Statewide Hydrologic Budget

The estimated average annual recharge to the Minnelusa aquifer in South Dakota is approximately 69,800 ac-ft/yr [10]. The estimated average annual appropriation from the Minnelusa aquifer is 19,087 ac-ft/yr assuming Future Use Permit No. 439-2 takes its whole reservation from the Minnelusa aquifer (Table 1). This application is likely to withdraw 0.46 ac-ft/yr at most. Therefore, based on the hydrologic budget there is reasonable probability unappropriated water is available for this application.

Table 1: Summary of estimated withdrawals in the Minnelusa aquifer in South Dakota

Estimation Type	Number of Permits	Est. Avg. Annual Use (ac-ft/yr)
Irrigation	50	3,312
Non-Irrigation, Volume Limit	11	255
Others	134	12,153
Subtotal	195	15,720
Future Use	1	3,367
Grand Total	196	19,087

Local Hydrologic Budget

Carter, et al. [14] divided the Black Hills into nine subareas, minimizing flow across boundaries, as a part of their analysis of the hydrology of the Black Hills. This application is in Subarea 2, which has an estimated inflow to the Madison and Minnelusa aquifers of 37.9 cfs (27,500 ac-ft/yr) [14]. Assuming 45% of that recharge goes to the Minnelusa aquifer, the estimated recharge to the Minnelusa aquifer in Subarea 2 is approximately 12,400 ac-ft/yr. There are 24 water rights/permits withdrawing from the Minnelusa aquifer in Subarea 2 [12]. Following the same estimation methods as in the Statewide Discharge section, the estimated average annual withdrawal from the Minnelusa aquifer in Subarea 2 is 1,773 ac-ft/yr (Table 2). This application will withdraw at most 0.46 ac-ft/yr. Therefore, based on the local hydrologic budget, there is reasonable probability unappropriated water is available for this application.

Table 2: Estimated withdrawals in the Minnelusa aquifer in Subarea 2 [14]

Estimation Type	Number of Permits	Est. Avg. Annual Use (ac-ft/yr)
Irrigation	1	117
Non-Irrigation, Volume Limit	1	36
Others	22	1,620
Total	24	1,773

Observation Wells

Administrative Rule of South Dakota (ARSD) 74:02:05:07 requires the Water Management Board to rely upon the record of observation wells, among other information, to determine if recharge exceeds withdrawals. The nearest observation wells to this application that are completed into the Minnelusa aquifer are LA-63A, located approximately 3 miles southwest of the applicant's well, and LA-86C, located approximately 2.5 miles northwest of the applicant's well [9]. Figure 1 shows the water level elevations in those two observation wells over the period of record of 1963 through 2023 [9]. The water levels shown in those wells are representative of the general fluctuations found in the Minnelusa aquifer [9]. In general, water levels in the Minnelusa aquifer rise during periods of higher-than-average precipitation and decline during periods of lower-than-average precipitation [15]. The wells near this application also show an increasing trend, on average [9]. For observation wells in confined aquifers, fluctuations in readings indicate changes in the hydraulic head, or pressure, in the aquifer and not significant changes in the amount of water in the aquifer. Given that the fluctuations in hydraulic head in the aquifer are dominated by climactic trends and not pumping, water is flowing out of the aquifer naturally. The Water Management Board considers water flowing out of the aquifer to be available for capture. Furthermore, this application has been withdrawing since the 1980s [6], so its effect on the aquifer, if any, would be shown in the observation well record. Therefore, based on observation well analysis, there is reasonable probability unappropriated water is available for this application.

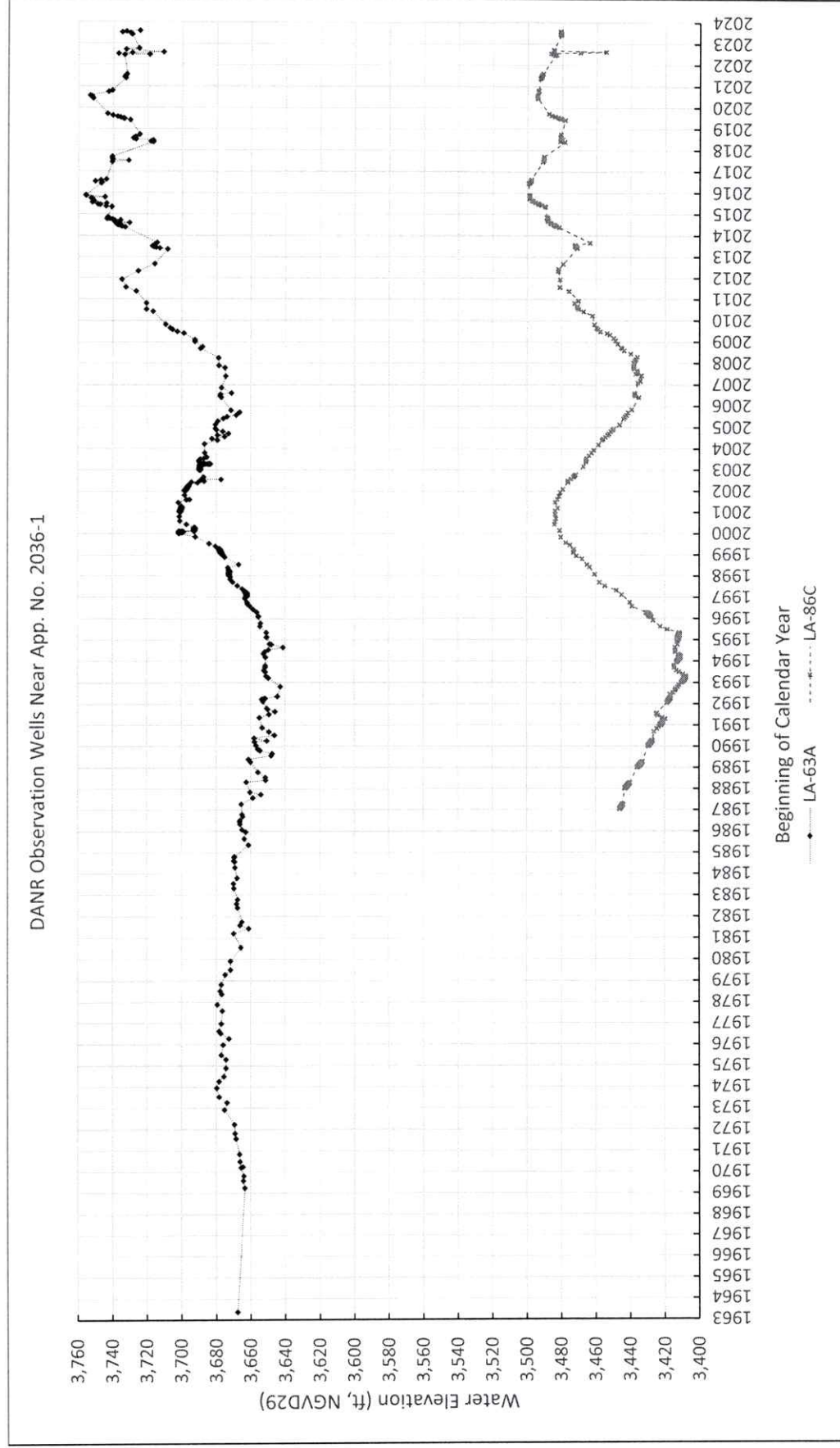


Figure 1: Water level elevations for DANR observation wells near this application [9]

Possibility of Unlawful Impairment on Existing Rights

The nearest water right to this application that is in the same aquifer is Water Right No. 1722-1, located approximately 0.4 miles southwest of this application. There are no domestic wells on file with the Water Rights Program that are nearer to this application than Water Right No. 1722-1 that are likely to be completed into the same aquifer. The Water Rights Program has historically interpreted an unlawful impairment of existing water rights to occur if a junior water right/permit causes a nearby adequate well with a senior water right/permit to become unable to withdraw at the rate it is entitled to or, if a domestic well is impacted, a water right/permit causes an adequate domestic well to be unable to withdraw at the rate needed to supply reasonable domestic use of water. Administrative Rule of South Dakota (ARSD) 74:02:04:20(6) defines an adequate well as:

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

Given that the well for this application has been in use for the proposed diversion rate since the 1980s and no complaints are filed with the Water Rights Program against it [16], there is reasonable probability this application will not unlawfully impair existing water rights/permits or domestic wells.

Conclusions

1. Water Permit Application No. 2036-1 proposes to appropriate 0.46 ac-ft/yr at a maximum diversion rate of 0.09 cfs from one well completed into the Minnelusa aquifer located in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 8-T5N-R5E. The water is for a water distribution system and commercial use purposes located in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 8-T5N-R5E.
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 that this application will not cause an unlawful impairment of existing water rights or domestic wells.



Kimberly C. Drennon, E.I.

Natural Resources Engineer II – DANR Water Rights Program

References

- [1] M. D. Fahrenbach, F. V. Steece, J. F. Sawyer, K. A. McCormick, G. L. McGillivray, L. D. Schulz and J. A. Redden, "South Dakota Stratigraphic Correlation Chart," SD DANR Geological Survey Program, Vermillion, South Dakota, 2010. Oil and Gas Investigations 3.
- [2] M. L. Strobel, G. J. Jarrell, J. F. Sawyer, J. R. Schleicher and M. D. Fahrenbach, "Distribution of Hydrogeologic Units in the Black Hills Area, South Dakota," United States Geologic Survey, 1999. Hydrologic Atlas 743.
- [3] J. S. Downey, "Geohydrology of Bedrock Aquifers in the Northern Great Plains in parts of Montana, North Dakota, South Dakota, and Wyoming," United States Geological Survey, 1986. Professional Paper 1402
- [4] J. C. Allen, D. L. Iles and A. K. Petres, "Analysis of Groundwater and Streamflow Data Western Dakotas Region of South Dakota Tasks 3A. B. C. and 4A. B.: Groundwater Resource Inventory," U.S. Army Corps of Engineers, Omaha, Nebraska, 1985.
- [5] Water Rights Program, "Water Well Completion Report Database," SD DANR, Joe Foss Bldg., Pierre, South Dakota, 2024.
- [6] K. Jensen, Interviewee, *Chief Financial Officer, Action for the Betterment of our Community*. [Interview]. 1 March 2024.
- [7] M. L. Strobel, J. M. Galloway, G. R. Hamade and G. J. Jarrell, "Potentiometric Surface of the Minnelusa Aquifer in the Black Hills area, South Dakota," United States Geologic Survey, 2000. Hydrologic Atlas 745-C.
- [8] J. M. Carter and J. A. Redden, "Altitude of the Top of the Minnelusa Formation in the Black Hills Area, South Dakota," United States Geologic Survey, 1999. Hydrologic Atlas 744-C.
- [9] Water Rights, "Observation Well Database," SD DANR Water Rights Program, Joe Foss Bldg., Pierre, South Dakota, 2024.
- [10] D. G. Driscoll and J. M. Carter, "Hydrologic Conditions and Budgets for the Black Hills of South Dakota, Through Water Year 1998," United States Geologic Survey, Rapid City, South Dakota, 2001. Water Resources Investigations 01-4226.
- [11] J. M. Carter, D. G. Driscoll and G. R. Hamade, "Estimated Recharge to the Madison and Minnelusa Aquifers in the Black Hills Area, South Dakota and Wyoming Water Years 1931-98," United States Geologic Survey, Rapid City, South Dakota, 2001. Water Resources Investigations 00-4278.

- [12] Water Rights Program, "Water Right Permit Files," SD DANR, Joe Foss Bldg., Pierre, South Dakota, 2024.
- [13] Water Rights Program, "Irrigation reports," SD DANR, Joe Foss Bldg., Pierre, South Dakota, 2023.
- [14] J. M. Carter, D. G. Driscoll, G. R. Hamade and G. J. Jarrell, "Hydrologic Budgets for the Madison and Minnelusa Aquifers, Black Hills of South Dakota and Wyoming, Water Years 1987-96," United States Geologic Survey, Rapid City, South Dakota, 2001. Water Resources Investigations 01-4119.
- [15] NOAA, "Climate at a Glance: Divisional Time Series," NOAA National Centers for Environmental Information, 1 May 2024. [Online]. Available: https://www.ncei.noaa.gov/access/monitoring/climate-at-a-glance/divisional/time-series/3904/pcp/12/9/1895-2024?base_prd=true&begbaseyear=1901&endbaseyear=2000. [Accessed 9 May 2024].
- [16] Water Rights Program, "Complaints Database," SD DANR, Joe Foss Building, Pierre, SD, 2024.

Appendix

Table 3: Irrigation reported in the Minnelusa aquifer [13]

Permit No.	Status	Priority Date	Name/Business	Subarea	Max. CFS	Acres	Number of Years Reporting	Total Reported (ac-ft, 1982-2023)	Average (ac-ft/yr)	Est. Use (ac-ft/yr)
498-2	License	1889-01-01	State Veterans Home	8	1.100	21.0	38	1,285	34	34
709-1	License	1927-01-01	Bernice G Cundy Trust	1	1.000	71.5	42	1,737	41	41
1970-1	License	1952-07-09	Boulder Canyon Country Club	2	0.220	58.6	6	460	77	117
341A-1	License	1955-05-01	Cris D/Dianne K Miller	1	3.400	391.0	40	4,275	107	107
341B-1	License	1955-05-01	Bear Butte Wildlife LLC	1	1.190	83.5	29	1,065	37	37
1584-1	License	1955-06-10	Richard D Sleep	1	0.900	63.0	30	2,314	77	77
1798-2	License	1956-12-05	Donald Konechne	4	0.600	42.0	40	793	20	20
372-1	License	1959-01-28	Richard D Sleep	1	1.780	174.0	42	12,064	287	287
513-1	License	1960-09-30	False Bottom Livestock	1	1.110	193.7	42	124	3	3
1276-1	License	1960-09-30	Gloria Delzer	1	8.730	748.5	40	12,392	310	310
1183A-1	License	1961-03-13	Reggie & Sebrina Keil	N/A	1.590	112.0	42	2,637	63	63
1183B-1	License	1961-03-13	Mitch O'Connell	N/A	0.510	36.0	0	0	N/A	72
566-1	License	1961-05-05	Eric/Michelle Jennings	1	1.100	121.0	41	1,144	28	28
660-1	License	1962-07-05	John/Brenda Swanson	1	1.770	263.0	42	9,335	222	222
684-1A	License	1963-05-01	One Diamond Inc	1	0.490	58.5	41	538	13	13
684-1B	License	1963-05-01	Edgar A & Carole Kellem	1	0.610	74.5	0	0	N/A	149
728-1	License	1964-05-27	Spearfish Canyon Country Club	1	0.660	56.7	41	2,143	52	52
775-1	License	1966-09-19	John E Swanson	1	1.970	138.5	41	5,528	135	135
826-1	License	1968-01-22	Belle Fourche Country Club	1	0.800	56.2	40	5,456	136	136
842-1	License	1968-04-08	Robert Jr Phelps	3	1.000	70.0	39	110	3	3
843-1	License	1968-05-22	Deb Wilburn	3	0.770	54.0	42	25	1	1
876-1	Permit	1969-08-25	Gene E Johnson	1	1.000	71.3	41	2,656	65	65
889-1	License	1970-02-16	Crago Cattle Co	1	1.600	149.0	23	1,998	87	87
891-1	License	1970-04-01	Billy J Evans	1	1.770	126.9	42	4,942	118	118
1867-2	Permit	1974-02-17	Tim Hamilton	N/A	0.000	120.0	4	0	0	240
1703-2	License	1974-02-27	Tim Hamilton	N/A	5.110	522.0	16	313	20	20
1677-2	License	1979-07-09	Zena Ives	5	0.280	40.0	42	127	3	3
1197-1	License	1980-03-30	Darrell Nicholas	1	0.560	125.0	38	50	1	1
1721-2	License	1980-06-17	Randy Luallin	8	0.020	1.7	39	562	14	14

Report on Water Permit App. No. 2036-1

Permit No.	Status	Priority Date	Name/Business	Subarea	Max. CFS	Acres	Number of Years Reporting	Total Reported (ac-ft, 1982-2023)	Average (ac-ft/yr)	Est. Use (ac-ft/yr)
1738-2	License	1980-08-18	Black Hills Health & Education Center	5	0.090	60.0	40	144	4	4
1254B-1	License	1982-03-04	Sleep Land & Livestock LLC	1	0.670	63.7	40	1,785	45	45
1901-2	License	1984-09-25	Donald P Wojciechowski	5	0.180	18.0	33	7	0	0
1953-2	License	1985-12-19	Dept Of Military	4	0.170	13.0	37	335	9	9
2750-2	License	1986-09-15	Chapel In the Hills	4	0.145	5.5	8	22	3	11
1382B-1	License	1987-03-18	Jill M Trimble	1	0.340	24.0	38	685	18	18
1382C-1	License	1987-03-18	Karol J Johnson	1	0.430	30.0	7	12	2	60
1382D-1	License	1987-03-18	Polly & Jeff Garrett	1	0.240	16.5	7	13	2	33
2247-2	License	1987-07-27	James Borglum	5	0.090	8.0	31	186	6	6
1407-1	License	1987-09-16	Bernice G Cundy Trust	1	0.570	40.0	36	1,342	37	37
1520-1	License	1991-03-21	Jeral & Dianne Shear	1	0.230	13.0	33	241	7	7
1585-1	License	1993-06-28	Richard D Sleep	1	0.380	27.0	30	407	14	14
1703-1	License	1999-12-28	Mike & Debbie Palmer	4	0.110	11.0	24	313	13	13
1776-1	License	2002-07-29	Kyle & Lucy Conklin	1	0.670	141.2	21	1,728	82	82
2498A-2	License	2002-12-09	Countryside HOA	4	0.090	107.0	7	78	11	214
1803-1	License	2003-07-18	Albert & Ryett Harty	1	0.222	10.0	20	342	17	17
1817-1	License	2004-04-05	Spike Jorgensen	1	0.220	38.0	20	449	22	22
1830-1	License	2005-01-03	James F Wunder	1	0.890	10.0	19	116	6	6
1869-1	License	2006-09-19	Travis Schenk	1	0.330	42.0	16	691	43	43
2773-2	Permit	2017-07-27	Arrowhead Country Club	N/A	1.110	100.0	6	106	18	200
2806-2	License	2019-10-11	Black Hills Power Inc	4	0.100	7.7	4	69	17	15
Total					48.917	4,828.7	1440	83,143	2,329	3,312



**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.**

May 13, 2024

Action for the Betterment of our Community
c/o Kathy Jensen, CFO
1428 Short Track Road
Sturgis SD 57785

Dear Ms. Jensen:

Water Permit Application No. 2036-1 for commercial and water distribution system use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice has been sent to the Faith Independent printed in Faith SD (Ph # 605 967-2161) and the Black Hills Pioneer printed in Spearfish SD (Ph # 605 642-2761). You will need to contact the newspapers and authorize publication of this notice. For your information, a copy of the notice, the recommendation of the Chief Engineer and report on the application are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

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

Sincerely,

Rachel Rodriguez

Rachel Rodriguez
Water Rights Program
(605) 773-3352

enclosures

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

NOTICE OF APPLICATION NO. 2036-1 to Appropriate Water

Notice is given that Action for the Betterment of our Community, c/o Kathy Jensen, CFO, 1428 Short Track Road, Sturgis SD 57785 has filed an application for a water permit to appropriate 0.46 acre-feet of water annually at a maximum pump rate of 0.09 cubic feet of water per second from one well completed into the Minnelusa Aquifer (515 feet deep) located in the SW 1/4 NE 1/4 Section 8-T5N-R5E. The water is for a water distribution system and commercial use purposes, located in the SW 1/4 NE 1/4 Section 8-T5N-R5E. This site is located west, just outside the city limits of Sturgis SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2036-1 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 June 3, 2024.

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 June 3, 2024.

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

Published once at the total approximate cost of_

Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Monday, May 13, 2024 9:40 AM
To: Faith Ind
Subject: 2036-1 Action for the Betterment of our Community - Public Notice
Attachments: 2036-1 public.short_final.docx; FORM8.FRM.doc

Attached is a notice to be published on May 22, 2024.

Action for the Betterment of our Community, c/o Kathy Jensen, CFO, 1428 Short Track Road, Sturgis SD 57785, 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



Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Monday, May 13, 2024 9:42 AM
To: legals@bhpioneer.com
Subject: 2036-1 Action for the Betterment of our Community - Public Notice
Attachments: 2036-1 public.short_final.docx; FORM8.FRM.doc

Attached is a notice to be published on May 22, 2024.

Action for the Betterment of our Community, c/o Kathy Jensen, CFO, 1428 Short Track Road, Sturgis SD 57785, 605-347-2991 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



Form 8

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
) SS
County of Meade)

I, Kris Stocklin-Johnson

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

printed and published in Faith

County of Meade and

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

05/22/2024

Cost of Printing \$37.42



(Signature)

Editor

(Title)

05/22/2024

(Date Signed)

Continued from previous page

SOUTHEAST STURGIS #2, Sturgis Community Center, 1401 Lazelle Street, Sturgis

CENTRAL STURGIS #3, Sturgis Community Center, 1401 Lazelle Street, Sturgis

SOUTHWEST STURGIS #4A, Sturgis Community Center, 1401 Lazelle Street, Sturgis

WEST STURGIS #4, Sturgis Community Center, 1401 Lazelle Street, Sturgis

STURGIS #5A, Sturgis Community Center, 1401 Lazelle Street, Sturgis

NORTHWEST STURGIS #5, Sturgis Community Center, 1401 Lazelle Street, Sturgis

TILFORD #6, Sturgis Community Center, 1401 Lazelle Street, Sturgis

RURAL STURGIS #7, Sturgis Community Center, 1401 Lazelle Street, Sturgis

HARMONY #8, Sturgis Community Center, 1401 Lazelle Street, Sturgis

BEAR BUTTE #9, Sturgis Community Center, 1401 Lazelle Street, Sturgis

SUMMERSET #10, Summerset City Hall, 7055 Leisure Lane, Summerset

WHITE OWL #25, White Owl Community Center, 19361 Main Street, White Owl

UNION #40, White Owl Community Center, 19361 Main Street, White Owl

MARCUS #41, White Owl Community Center, 19361 Main Street, White Owl

Any voter who needs assistance, pursuant to the Americans with Disabilities Act, may contact the county auditor at (605)347-2360 before the election for information on polling place accessibility for people with disabilities.

Rhea Crane, Interim Auditor
Meade County SD

Published May 22 & 29, 2024 at the approximate cost of \$87.40 and may be viewed free of charge at www.sdpublic-notices.com.

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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 June 3, 2024.

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Published May 22, 2024 at the approximate cost of \$37.42 and may be viewed free of charge at www.sdpublic-notices.com.

PUBLIC NOTICE FAITH SCHOOL DISTRICT 46-2 Destruction of Special Education Records

Special Education records for students who graduated or left the district prior to July 1, 2019, will be destroyed after September 1, 2024. Identification will be required to obtain files. If the student is under the supervision of parent/guardian after the age of 21, proof of guardianship must be provided before files are released. Anyone requiring copies of files must contact Darlene Kelly at the address listed below:

Faith School District
206 W 5th St.
P.O. Box 619
Faith, SD 57626
(605) 967-2152

Published May 22 & 29, 2024 at the approximate cost of \$18.64 and may be viewed free of charge at www.sdpublic-notices.com.

MEADE SCHOOL DISTRICT 46-1 NOTICE OF PUBLIC HEARING

Notice is hereby given that a public hearing on the Proposed Budget for fiscal year 2024-2025 of the Meade School District 46-1 will be held on Monday, June 10, 2024, at 6:00 p.m. at the Williams Administrative Building board room of the Meade School District 46-1, 1230 Douglas Street, Sturgis, SD 57785. The public is welcome to attend.

Brett Burditt
Business Manager

	EXPENDITURE BUDGET		SPEC.SERV ES 2024-2025
	GENERAL FUND 2024-2025	CAP. OUTLAY 2024-2025	
1111 STURGIS ELEMENTARY INSTRUCTION	2,188,422	353,166	
PIEDMONT VALLEY ELEMENTARY	1,930,341	347,095	
RURAL INSTRUCTION	1,008,029	78,426	
WHITEWOOD INSTRUCTION	615,522	66,762	
TITLE II PART A	307,247	0	
1120 STURGIS WILLIAMS MIDDLE SCHOOL	1,999,502	211,706	
STAGEBARN MIDDLE SCHOOL	1,755,436	158,176	
1130 HIGH SCHOOL INSTRUCTION	3,309,067	295,606	
1190 504 COORDINATOR	3,615		
1210 GIFTED	73,935		
1220 SPECIAL EDUCATION INSTRUCTION		16,375	4,490,090
1250 ENGLISH LANGUAGE LEARNER	29,748		
1270 TITLE I	706,871		
2113 SOCIAL WORKER SERVICES	79,564		
2120 GUIDANCE SERVICES	747,559		
2130 HEALTH SERVICES	240,996		70,985
2140 PSYCHOLOGICAL SERVICES			344,298
2159 SPEECH SERVICES			672,772
2170 THERAPY SERVICES			167,721
2210 IMPROVEMENT OF INSTRUCTION	195,828		
2220 EDUCATIONAL MEDIA	211,219	31,200	
2227 TECHNOLOGY IN SCHOOLS	362,855	67,630	
2310 SCHOOL BOARD	600,675		
2320 EXECUTIVE ADMINISTRATION	289,333		
2400 SCHOOL ADMINISTRATION	1,903,043	224,789	
2520 FISCAL SERVICES	411,590	0	
2530 FACILITIES/CONSTRUCTION/LAND		50,000	
2540 OPERATION AND MAINTENANCE	3,191,908	1,089,000	
2546 SECURITY SERVICES	199,200		
2550 STUDENT TRANSPORTATION	1,400,697	165,000	
2570 CENTRAL COPY	114,968		
2560 FFV /FOOD SERVICE	91,000		
2710 SPECIAL EDUCATION ADMINISTRATION			322,910
2730 SPECIAL EDUCATION TRANSPORTATION			7,000
2750 OTHER SPECIAL EDUCATION COST			50,000
5000 DEBT SERVICE		3,331,600	
6000 COCURRICULAR ACTIVITIES	1,140,450	68,700	
7000 CONTINGENCY			
8110 TRANSFER OUT		626,000	
TOTAL EXPENDITURES	25,108,620	7,181,231	6,125,776
REVENUE BUDGET			
1110 AD VALOREM REGULAR	9,768,609	6,070,000	3,888,172
1112 AD VALOREM MOBILE HOME	220,000	180,000	114,000
1120 PRIOR YEAR AD VALOREM TAXES	30,000	15,000	5,000
1140 UTILITY TAXES	215,000		
1190 PENALTIES & INTEREST ON TAXES	30,000	10,000	5,000
1510 INTEREST ON INVESTMENTS	230,000	115,000	22,000
1710 ADMISSIONS	60,000		
1790 OTHER ACTIVITIES INCOME	15,000		
1910 RENTALS	25,000		
1920 CONTRIBUTION/DONATION	55,000		
1950 REFUND PRIOR YEAR EXPENDITURES	45,000		
1971 LAPTON INSURANCE	6,000		
1972 TITLE XIX			16,000
1973 MEDICAID	10,000		14,000
1990 OTHER LOCAL SOURCES	15,000		
2110 COUNTY APPORTIONMENT	350,000		
3111 STATE AID	11,953,318		1,183,126
3112 STATE APPORTIONMENT	229,000		
3114 BANK FRANCHISE TAX	114,000		
3119 GAMING REVENUE	7,500		
3900 OTHER STATE REVENUE	11,700		
4121 NATIONAL MINERALS	25,000		
4122 TAYLOR GRAZING	14,500		
4131 NATIONAL FOREST LANDS	15,000		
4151 FRUIT & VEGETABLE GRANT	91,000		
4153 TITLE IV	82,705		
4158 TITLE I	707,571		
4158 TITLE I 1003			
4159 TITLE II PART A	223,944		
4161 VOC ED	51,529		
4175 IDEA PART B 611			711,869
4186 IDEA PART B 619 PRESCHOOL			20,957
4900 OTHER FEDERAL REVENUE		303,000	
5110 TRANSFER IN			
5130 SALE OF SURPLUS		40,000	
7000 RESERVE FUNDS	507,244	448,231	145,652
TOTAL REVENUE	25,108,620	7,181,231	6,125,776

Published May 22, 2024 at the approximate cost of \$146.41 and may be viewed free of charge at www.sdpublic-notices.com.

Affidavit of Publication

STATE OF SOUTH DAKOTA:

COUNTY OF LAWRENCE:

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

Notice of Application
No. 2036-1

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 22nd day of May, 2024, and the last publication on the _____ day of _____, that the full amount of fees charged for publishing same, to-wit: The sum of \$ 39.79, 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 28th day of May, 2024



Notary Public, Lawrence County, South Dakota

My commission expires: 7-18-2025

RECEIVED

MAY 30 2024

OFFICE OF
WATER

**NOTICE OF
APPLICATION
NO. 2036-1 to
Appropriate Water**

Notice is given that Action for the Betterment of our Community, c/o Kathy Jensen, CFO, 1428 Short Track Road, Sturgis SD 57785 has filed an application for a water permit to appropriate 0.46 acre-feet of water annually at a maximum pump rate of 0.09 cubic feet of water per second from one well completed into the Minnelusa Aquifer (515 feet deep) located in the SW 1/4 NE 1/4 Section 8-T5N-R5E. The water is for a water distribution system and commercial use purposes, located in the SW 1/4 NE 1/4 Section 8-T5N-R5E. This site is located west, just outside the city limits of Sturgis SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2036-

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 June 3, 2024.

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 June 3, 2024.

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 \$41.24 and can be viewed free of charge at www.sd-publicnotices.com.

**#409
May 22**

Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Monday, May 13, 2024 9:45 AM
To: kathy@sturgisabc.org
Subject: 2036-1 Action for the Betterment of our Community - Public Notice
Attachments: 2036-1 Rec.pdf; 2036-1 Ltr.pdf; 2036-1 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

JUN 10 2024

Action for the Betterment of Our Community
c/o Kathy Jensen
1428 Short Track Road
Sturgis SD 57785

Dear Ms. Jensen:

Enclosed is Water Permit No. 2036-1 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**

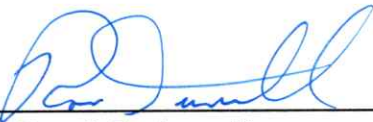
Pursuant to SDCL § 46-2A-4, public notice of the following application was posted on the DANR web site at <https://danr.sd.gov/public>. The posted public notice is the same notice as published in the pertinent newspaper(s) and a copy of the public notice is maintained in the application file. If the 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.: 2036-1

Name of Applicant: Action for the Betterment of our Community, c/o Kathy Jensen

Date of Posting: 5/20/2024

Date of Removal: 6/10/2024



Ron Duvall, Engineer III

6/10/2024

Date

Subscribed and sworn to before me, a notary public, this 10th day of June, 20 24.



Notary Public - South Dakota
My commission expires:

(SEAL)

**Rachel Rodriguez
My Commission Expires
May 16, 2029**

