

WATER PERMIT NO. 2040-1

Name of Applicant: **Infinity Properties, LLC. – Craig Baumiller**

Address: **7190 Infinity Drive, Summerset SD 57718** Phone: **605-787-2180**

Amount of Water Claimed: **326 AF** Total Acres: **N/A**

Source of Water Supply: **Groundwater**

Water to be used for: **WDS** County: **Meade**

Type of Waste Disposal System:

Location: **Approx. 10 miles north of Rapid City**

PRIORITY Date Received: **08-05-24**

Application/License Fee: **\$1,050.00**

Corrected Application Received: **09-05-24**

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

Remarks:

Diversion Point: **NW 1/4 SE 1/4 Sec 15-T3N-R7E**

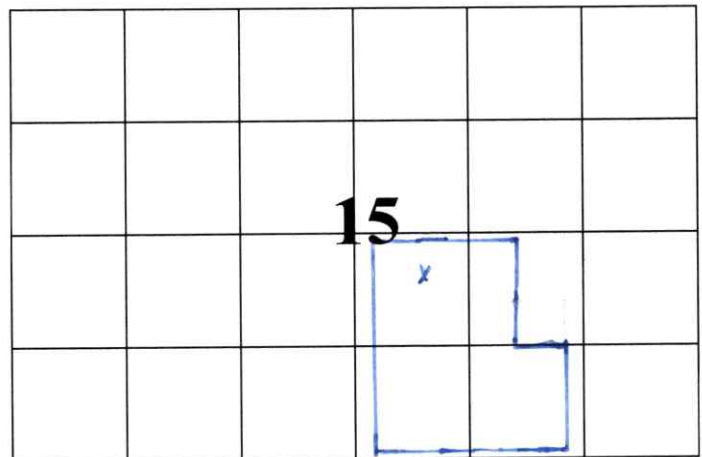
Land to be Irrigated: **N/A**

Depth of Well: **3060**

Well Driller: **Infinity Properties**

Remarks:

Type of Map: **aerial**



Reviewed and the Number Assigned on: **09-09-24**

By: **Rachel Rodriguez**

Notice of Hearing - date to intervene: _____

SOUTH DAKOTA
WATER PERMIT NO. 2040-1

Date of first receipt of application August 5, 2024.

Date of return to applicant for corrections, amendments or changes August 7, 2024.

Date of receipt of corrected application September 5, 2024.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 2040-1 to Infinity Properties, LLC. – Craig Baumiller, 7190 Infinity Drive, Summerset SD 57718, 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. 2040-1 appropriates up to 326 acre-feet of water annually at a maximum pump rate of 0.60 cubic feet of water per second from one well completed into the Madison Aquifer (3,060 feet deep) located in the NW 1/4 SE 1/4 Section 15-T3N-R7E. The water is for use in a water distribution system to be located in the S 1/2 NE 1/4, SE 1/4 Section 15, SW 1/4 NW 1/4, SW 1/4 Section 14; all in T3N-R7E. The water distribution system may also supply water to adjacent properties. This site is located approximately four and one-half miles northeast of Summerset SD.
2. The water appropriated shall be used for the purpose of water distribution 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. 2040-1 is November 25, 2024.
5. The date from which applicant may claim right is August 5, 2024.
6. One-fifth of the construction is to be completed on or before May 25, 2027.
7. All construction is to be completed on or before November 25, 2029.
8. Water is to be put to beneficial use on or before November 25, 2033.
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. 2040-1 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. 2040-1 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 is located near domestic wells and other wells which may obtain water from the same aquifer. The well owner, under these Permits must 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 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.
4. The Permit holder must report to the Chief Engineer annually the amount of water withdrawn from the Madison Aquifer.
5. Water Permit No. 2040-1 appropriates up to 326 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 13 2024
date



Mail to: SD DANDR, Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. <u>2040-1</u> Hydrologic Unit <u>10120111</u> Basin <u>Cheyenne</u> Newspaper <u>Faith Independent</u> <u>Rapid City Journal</u> (office use only)
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PAID
AUG 05 2024
Ck# 113
Rec't# 8/5/24

Application for Permit to Appropriate Water in South Dakota

Check use(s) of water:

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

Type of Application: (check one)

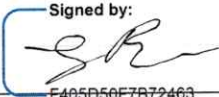
☒ New	☐ Vested Right (Use predates Mar 2, 1955)	☐ Future Use Reservation
☐ Place to Beneficial Use Water Reserved by Future Use Permit No. _____		
☐ Amendment/Correction to Permit No. _____		

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

- Name to Appear on Water Permit Infinity Properties, LLC. - Craig Baumiller
Mailing Address 7190 Infinity Drive Summerset SD 57718
(Address) (City) (State) (Zip Code)
Phone 605-787-2180 Mobile _____ Email infinitylanding@gmail.com
326
- Amount of water claimed 0.60 *CFS or 270 **GPM and 435 AF/YR*** AF or _____ Gallons
Flow rate and volume are both required. (*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use)
- Source of water supply Madison Aquifer (NW 1/4 SE 1/4)
- Location of point of diversion SE1/4 Section 15 T3N, R7E, Meade County, SD 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? Adjacent community use for domestic water uses
(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 Jan 1 - Dec 31
- 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)

Project includes subdividing pasture land to create residential lots with new rural section roadways.

Well Log attached.

Signed by: 
I, CRAIG BAUMILLER Managing Member, the applicant, certify under
F405D50F7B72463... 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.

RECEIVED

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)

AUG 05 2024

OFFICE OF
WATER

Form 2A

(Complete applicable portions only)

Supplemental Information

(type or print)

1. Well Information (check one or both as applicable)☒ Drilling new well(s) ☐ Using existing well(s)a) If new wells, how many 1 Have test holes been drilled? ☐ Yes ☒ No Drilled by Lic # 849
(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) 3060 Depth to Top of Water Bearing Material 2694 Depth to Water from Surface NAd) Distance to nearest domestic well on applicant's property 350 Property owned by others 1830**2. Wastewater Disposal System Information**a) Type of System (i.e. septic tank, drain field) Standrad Septic with Drain Fieldb) System Capacity (gallons) unknown Year Constructed 2005 (approximate)c) Connected to the City of NA Sanitary System**3. Dugout Information** NA

a) Surface Dimensions _____ Depth _____

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

4. Water Storage Dams NA

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)

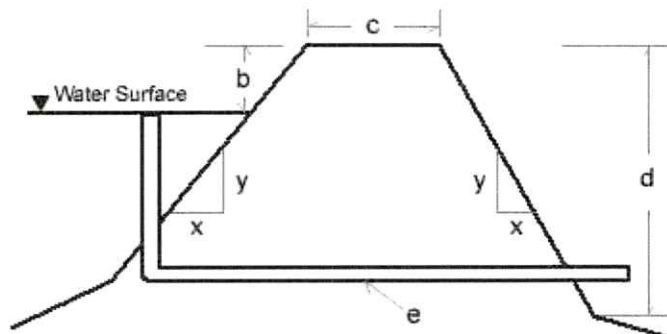
Upstream _____

Downstream _____

h) Area of Impoundment _____

i) Storage _____ Acre Feet

j) Drainage Area Above Dam _____ Acres

**RECEIVED****AUG 05 2024****OFFICE OF
WATER**

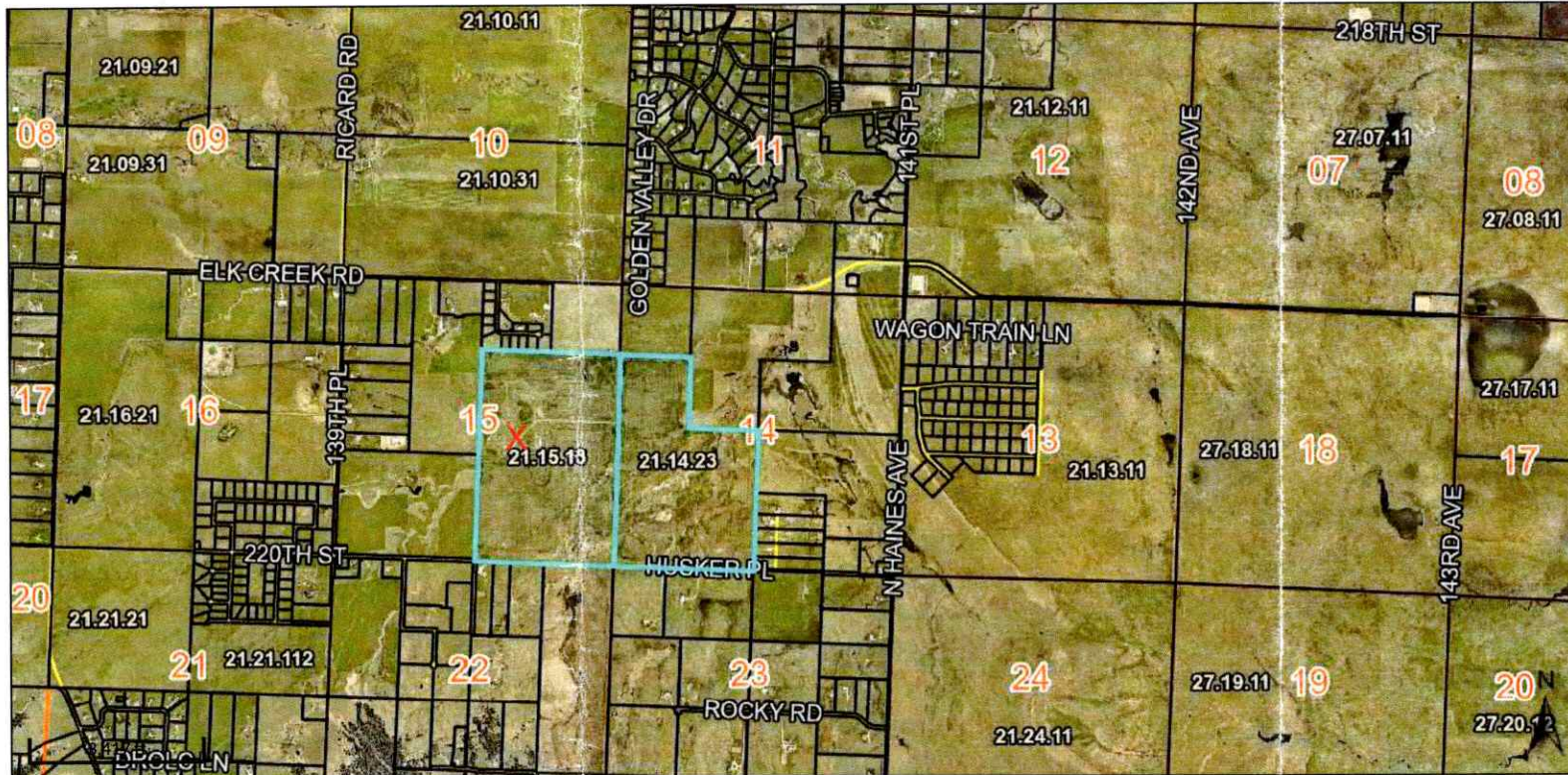


Meade County, SD

INFINITY LANDING PROJECT AREA

WATER RIGHTS WELL LOCATION MARKED WITH 'X' -

SE1/4 Section 15 T3N, R7E, Meade County, SD



Overview



Legend

- Parcels 2024
- Roads
- PLSS Sections
- Qtrr Qtrr Sections

Date created: 7/30/2024

Last Data Uploaded: 7/30/2024 1:48:47 AM

Developed by Schneider
GEOSPATIAL

RECEIVED

AUG 05 2024

OFFICE OF
WATER

3N 7E
Section: 04

3N 7E
Section: 03

3N 7E
Section: 02

3N 7E
Section: 09

3N 7E
Section: 10

3N 7E
Section: 11

ELK CREEK RD

3N 7E
Section: 16

10120111 Middle Cheyenne-Elk

3N 7E
Section: 15

Cheyenne

3N 7E
Section: 14

HUSKER PL

3N 7E
Section: 21

3N 7E
Section: 22

3N 7E
Section: 23

ROCKY RD

PETERSON RD

3N 7E

2040-1

SOUTH DAKOTA WATER WELL COMPLETION REPORT

2024

Location SW 1/4 NW 1/4 Sec 15 Twp 3 Rg 7		Well Owner: CRAIG BAUMILLER	
County MEADE		Business Name: INFINITY PROPERTIES LLC	
GPS Coordinates		Address: 7190 INFINITY DR	
Lat: 44 12' 53.22		City, State, Zip: SUMMERSET SD, 57718	
Lon: 103 15' 35.14			
Please mark well location with an "X" on section grid			
Well Completion Date 6/8/2024			
Distance from nearest potential pollution source (Septic tank, abandoned well, feed lot, etc.) 300 ft. from PRIVATE SEPTIC (identify source)			
PROPOSED USE: ☐ Domestic/Stock ☒ Municipal ☐ Business ☐ Monitoring Well ☐ Irrigation ☐ Industrial ☐ Institutional ☐ Test Hole ☐ Dewatering Well ☐ Geothermal ☐ Other		WELL LOG:	
METHOD OF DRILLING: MUD ROTARY			
CASING DATA: ☒ Steel ☐ Plastic ☐ Other			
If other describe			
PIPEWEIGHT	DIAMETER	FROM	TO
45.5 LB/FT	10.75 IN	0 FT	60 FT
23 LB/FT	7 IN	0 FT	2694 FT
LB/FT	IN	FT	FT
GROUTING DATA:			
Grout Type	No. of Sacks	Grout Weight	From To
TYPE 1L Cu fl	335	11.8 Lb/gal	0.0 Ft 1,244.0 Ft
TYPE G Cu Ft	377	15.8 Lb/gal	1,244.0 Ft 2,694.0 Ft
Describe grouting procedure Pressure Grouted Through Casing			
SCREEN: ☐ Perforated pipe ☐ Manufactured			
Diameter _____ Inches Length _____ Feet			
Material NA			
Slot Size _____ Set From _____ Feet to _____ Feet			
Other information OPEN HOLE 2694 TO 3060			
WAS A PACKER OR SEAL USED? ☐ Yes ☒ No			
If so, what material?			
Describe packer(s) and location			
DISINFECTION: Was well disinfected upon completion?			
☒ Yes, How? Tablets			
☐ No, Why Not?			
Lab sample sent to for water quality analysis MID CONTINENT TESTING			
		STATIC WATER LEVEL _____ FEET	
		If flowing: closed in pressure 130.00 PSI	
		GPM flow 300.0 through 3.00 inch pipe	
		Controlled by ☒ Valve ☐ Reducers ☐ Other	
		Reduced flow rate _____ GPM	
		Can well be completely shut in? YES	
		WELL TEST DATA:	
		☐ Pumped Describe:	
		☐ Bailed ☐ Air	
		☐ Other	
		Pumping Level Below Land Surface	
		_____ Ft. After _____ Hrs. pumped _____ GPM	
		_____ Ft. After _____ Hrs. pumped _____ GPM	
		If pump installed, pump rate: _____ GPM	
		REMARKS	
		Minnekahta 1955 -2100, Opeche 2100-2140	
		Minnelusa 2140-2694, Madison 2694-3060	
		This well was drilled under license # 849	
		And this report is true and accurate.	
		Drilling firm: INFINITY PROPERTIES LLC	
		Signature of License Representative:	
		Signature of Well Owner or Equitable Property Holder:	
		Date: 7/2/24	

Please return White Copy to DANR Water Rights 523 E. Capitol Ave., Pierre SD 57501

AUG 05 2024

OFFICE OF
WATER

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Agriculture and Natural Resources

Date August 14th, 2024

RECEIVED OF Infinity Properties, LLC 7190 Infinity Drive Summerset SD 57718

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	\$ <u>1050.00</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. _____	\$ _____
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>1050.00</u>

By Eric Orosland
Chief Engineer

SE

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Agriculture and Natural Resources

Date September 3rd 2024

RECEIVED OF Infinity Properties LLC-Craig Baumiller 7190 Infinity Drive Summerset SD 57718

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	\$ <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. _____	\$ _____
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>100.00</u>

By

Eric Gronlund

Chief Engineer

SK

State of South Dakota



OFFICE OF THE SECRETARY OF STATE

Certificate of Organization Domestic LLC

ORGANIZATIONAL ID# DL046532

I, **Shantel Krebs**, Secretary of State of the State of South Dakota, hereby certify that the Articles of Organization of

Infinity Properties LLC

duly signed and verified, have been received in this office and are found to conform to law.

ACCORDINGLY, and by virtue of the authority vested in me by law, I hereby issue this Certificate of Organization and attach hereto a duplicate of the Articles of Organization.



IN TESTIMONY WHEREOF,
I have hereunto set my hand and
affixed the Great Seal of the
State of South Dakota, at Pierre,
the Capital, this 01/04/2016.

Shantel Krebs

Shantel Krebs
Secretary of State

1/5/2016 3:06:58 PM
Change ID: 1300354

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

ARTICLES OF ORGANIZATION DOMESTIC LIMITED LIABILITY COMPANY

Please Type or Print Clearly in Ink

Please submit one **Original** and one **Photocopy**

FILING FEE: \$150 payable to SECRETARY OF STATE

Filed this 4 day of
Jan 2016

Shantel Krebs

SECRETARY OF STATE

RECEIVED

JAN 04 2016

S.D. SEC. OF STATE

Telephone # (605) 787-2180

FAX #

Article I

The name of the company is Infinity Properties LLC

The name must contain limited liability company, limited company or the abbreviation L.L.C., LLC, L.C. or LC. Limited may be abbreviated as Ltd. and company may be abbreviated as Co.

Article II

The duration of the company if other than perpetual is _____

Article III

The address of the initial designated office in or out of the State of South Dakota where the company conducts its business.

12275 Sturgis Rd	Piedmont	☒ SD	☒ 57769-4000
Street Address	City	State	ZIP+4

Mailing Address (Optional)	City	State	ZIP+4

Article IV

The South Dakota Registered Agent name Craig Baumiller

12275 Sturgis Rd	Piedmont	☒ SD	☒ 57769-4000
Street Address or Rural Route Number in This State and	City	State	ZIP+4

Mailing Address in This State, if Different from Street Address	City	State	ZIP+4

When listing a Commercial Registered Agent, please state their CRA #.
This number can be obtained from the Commercial Registered Agent.

Article V

The name and address of each organizer

Craig Baumiller	12275 Sturgis Rd	Piedmont	 SD  57769-4000
Name	Street Address	City	State ZIP+4
Name	Street Address	City	State ZIP+4
Name	Street Address	City	State ZIP+4
Name	Street Address	City	State ZIP+4

Article VI

Check one:

- ☒ The company will be member managed.
☐ The company will be manager managed.

If this company is to be manager managed, please state the name and address of each initial manager.

Manager	Street Address	City	State	ZIP+4
Manager	Street Address	City	State	ZIP+4
Manager	Street Address	City	State	ZIP+4

Article VII

Whether one or more of the members of the company are to be liable for its debts and obligations as set forth under SDCL 47-34A-303 (c).

This LLC (Limited Liability Company) shall indemnify any and all directors or officers or members or former directors or members or any persons who have served at its request as director or officer or member of the LLC or of any other LLC's which it is a creditor, against expenses actually or necessarily incurred by them in connection with the defense or settlements of any action, suit, or proceeding brought or threatened in which by they, or any of them, are or might be make parties, or a party, by reason of being or have been directors or officers or members of a director or an officer of the LLC, or of such other corporations. This indemnification shall not apply, however, to matters as to which such director or officer or member or person shall be adjudged in such action, suit or proceeding or be liable for negligence or misconduct in the performance of their duties. Such indemnification shall not be deemed exclusive of other rights to which those indemnified may be entitled, under any law, bylaw, agreement, vote of the members or otherwise.

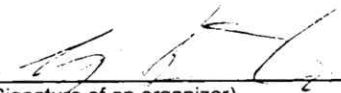
Article VIII

Any other provisions not inconsistent with law, which the members elect to set out in the articles of organization.

The Articles of Organization must be executed by the organizers.

Dated December 30, 2015

By signing this form, you agree to have both the fee and the form processed electronically. A fee of up to \$40 will be assessed for returned payments.


(Signature of an organizer)

Craig Baumiller
(Printed Name)

Managing Member
(Title)

Dated _____

(Signature of an organizer)

(Printed Name)

(Title)

Dated _____

(Signature of an organizer)

(Printed Name)

(Title)

Dated _____

(Signature of an organizer)

(Printed Name)

(Title)



South Dakota Secretary of State
SHANTEL KREBS

Return To: CRAIG BAUMILLER
12275 STURGIS RD
PIEDMONT, SD 57769-4000

From: Secretary of State Shantel Krebs
Corporations Division

Filing Date: 01/04/2016

Re: Infinity Properties LLC (DL046532)
Articles of Organization

The documents on behalf of Infinity Properties LLC have been received and filed. Attached is the Certificate along with a receipt for the filing fee of \$150.00. Below is a summary of the transaction.

Remitter	Address	Amount Paid
CRAIG BAUMILLER	12275 STURGIS RD PIEDMONT, SD 57769-4000	\$150.00
Total:		\$150.00

Description	Invoice Date	Qty	Receipt #	Subtotal
Articles of Organization	01/05/2016	1	366627	\$150.00
Total:				\$150.00

Duvall, Ron

From: Leah Berg <lberg@proacesinc.com>
Sent: Wednesday, September 11, 2024 1:31 PM
To: Duvall, Ron
Cc: Craig; Rodriguez, Rachel; Dewell, Amanda
Subject: Re: [EXT] FW: Water Permit Application

Hello Ron,

I think your notice language is as specific as we can get right now. There are no formal agreements in place at this time with adjacent properties. However, there is interest and a need in this area for clean and safe drinking water. I would say this provides the explanation necessary for public notice to share the intent of the water use. The legal description as you have is for the project area and is the only definite location to be served at this time.

Thank you!

Leah Berg, P.E.
Civil Engineer / President

ACES

Affordably Creative Engineering Services, Inc.
324 St. Joseph St, Suite 200
Rapid City, SD 57701
Phone 605-716-4646
Cell 605-545-1120
LBERG@proacesinc.com

On Wed, Sep 11, 2024 at 10:54 AM Duvall, Ron <Ron.Duvall@state.sd.us> wrote:

Leah,

I noticed something in your response below that I want to get right for the public notice that will eventually get published after preparation of a report and recommendation. You indicated an intent to provide water to some adjacent properties. I do not know how well identified those adjacent properties are, but the public notice needs to include a description of the well location and place of use – the more specific the better but that may not always be possible. I would like your thoughts on the following language since it is your public notice, we draft it for the applicant:

NOTICE OF APPLICATION NO. 2040-1 to Appropriate Water

Notice is given that Infinity Properties, LLC. – Craig Baumiller, 7190 Infinity Drive, Summerset SD 57718, has filed an application for a water permit to appropriate up to 326 acre-feet of water annually at a

maximum pump rate of 0.60 cubic feet of water per second from one well completed into the Madison Aquifer (3,060 feet deep) located in the NW 1/4 SE 1/4 Section 15-T3N-R7E. The water is for use in a water distribution system to be located in the S 1/2 NE 1/4, SE 1/4 Section 15, SW 1/4 NW 1/4, SW 1/4 Section 14; all in T3N-R7E. The water distribution system may also supply water to adjacent properties. This site is located approximately ten miles north of Rapid City SD.

The legal descriptions in the above draft are the areas outlined in blue provided on the map with the application. The language highlighted in yellow is as specific as I can make it based on what I know. Are you in agreement with including it to cover water use outside of S 1/2 NE 1/4, SE 1/4 Section 15, SW 1/4 NW 1/4, SW 1/4 Section 14; all in T3N-R7E?

Thank you,

Ron

From: Duvall, Ron
Sent: Thursday, September 5, 2024 4:09 PM
To: Leah Berg <lberg@proacesinc.com>; Craig <infinitylanding@gmail.com>
Cc: Rodriguez, Rachel <Rachel.Rodriguez@state.sd.us>
Subject: RE: [EXT] FW: Water Permit Application

Leah,

Sounds good, we will change the annual volume to 326 ac-ft and I believe we have everything else we need to begin processing the application. The reduction in annual volume will result in \$100.00 of the application fee being refunded.

Thank you,

Ron

From: Leah Berg <lberg@proacesinc.com>
Sent: Thursday, September 5, 2024 4:00 PM
To: Craig <infinitylanding@gmail.com>; Duvall, Ron <Ron.Duvall@state.sd.us>

Rodriguez, Rachel

From: Duvall, Ron
Sent: Thursday, September 5, 2024 4:09 PM
To: Leah Berg; Craig
Cc: Rodriguez, Rachel
Subject: RE: [EXT] FW: Water Permit Application

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Cc: Rodriguez, Rachel <Rachel.Rodriguez@state.sd.us>
Subject: Re: [EXT] FW: Water Permit Application

Good Afternoon Ron,

I can see your concerns as you explained below. We are planning to provide water for the development and have the intent to be able to provide good clean drinking water to some of the adjacent properties in this area that struggle with having a quality, safe drinking water supply.

It is understood that the pump is not planned to run 24/7/365.

I would like to keep our pump rate, this has been selected with a factor of safety included and I would like to project 75% for pump operation. This would result in: 270 gpm and 326 ac-ft.

Does that request appear acceptable with our intent? Do you need anything additional from us to revise the application?

Thank you for your help!

Leah Berg, P.E.
Civil Engineer / President

ACES
Affordably Creative Engineering Services, Inc.
324 St. Joseph St, Suite 200
Rapid City, SD 57701
Phone 605-716-4646
Cell 605-545-1120
LBerg@proacesinc.com

On Wed, Sep 4, 2024 at 9:33 AM Craig <infinitylanding@gmail.com> wrote:

Duvall, Ron

From: Leah Berg <lberg@proacesinc.com>
Sent: Thursday, September 5, 2024 4:00 PM
To: Craig; Duvall, Ron
Cc: Rodriguez, Rachel
Subject: Re: [EXT] FW: Water Permit Application

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Thank you for your help!

Leah Berg, P.E.
Civil Engineer / President

ACES
Affordably Creative Engineering Services, Inc.
324 St. Joseph St, Suite 200
Rapid City, SD 57701
Phone 605-716-4646
Cell 605-545-1120
LBerg@proacesinc.com

On Wed, Sep 4, 2024 at 9:33 AM Craig <infinitylanding@gmail.com> wrote:

----- Forwarded message -----

From: **Duvall, Ron** <Ron.Duvall@state.sd.us>
Date: Tue, Sep 3, 2024 at 2:32 PM
Subject: FW: Water Permit Application
To: infinitylanding@gmail.com <infinitylanding@gmail.com>
CC: Rodriguez, Rachel <Rachel.Rodriguez@state.sd.us>, Dewell, Amanda <Amanda.Dewell@state.sd.us>

Craig,

I am following up on Rachel's question concerning the annual volume of water. The application specifies 270 gallons per minute with an annual volume of 435 acre-feet of water (equates to 141,745,185 gallons per year). The only way to pump that much water in a year is for the pump to run continuously, 24 hours per day, 365 days per year, at the rate of 270 gallons per minute. If you need 435 acre-feet per year, then your pump rate is too low to pump that amount of water. Conversely, if 270 gallons per minute is sufficient to meet your needs, then the volume of 435 acre-feet is too high as the pump will not run 24/7/365 days a year. Rachel mentioned using a factor of the pump operating 60% of the time at 270 gallons per minute which would amount to 261 acre-feet (equates to 85,118,958 gallons per year). There is nothing set in stone about 60% though, you should be applying for the volume needed to supply your development.

I believe either your pump rate or volume needs to be revised. However, it is your application and we will process it for whatever you apply for. A report will be prepared concerning water availability from the aquifer identified and the Chief Engineer will make a recommendation as to whether the application should be approved.

Please let me know how you want to proceed with the pump rate and annual volume.

Thank you,

Ron Duvall

Dept. of
Agriculture &
Natural
Resources
Office of
Water,
Water Rights
Program

605.773.3352

danr.sd.gov



D
SOL

Rodriguez, Rachel

From: Craig <infinitylanding@gmail.com>
Sent: Wednesday, August 28, 2024 4:07 PM
To: Rodriguez, Rachel
Subject: Re: [EXT] Water Permit Application

Rachel, I will send the extra \$100. I can pay with a card as well if you offer that.
Thank you Craig

On Wed, Aug 28, 2024 at 10:49 AM Rodriguez, Rachel <Rachel.Rodriguez@state.sd.us> wrote:

Just to clarify, if you want to keep the 435-acre feet it is an additional \$100.00. If you reduce it 60% to 261, then no additional fee is required.

- The annual volume seems quite high. A general practice is to base annually acre-feet of water based on a pumping of 60% of the time. Applying this 60% rate to 435 acre-feet a year equates to 261 acre-feet of water annually. Do you agree with this amount? If you agree, I can make the change to your application.

Thank you,

Rachel Rodriguez

DANR | Program Assistant

Rachel.Rodriguez@state.sd.us



From: Craig <infinitylanding@gmail.com>
Sent: Tuesday, August 27, 2024 6:42 PM
To: Rodriguez, Rachel <Rachel.Rodriguez@state.sd.us>
Subject: Re: [EXT] Water Permit Application

Rodriguez, Rachel

From: Craig <infinitylanding@gmail.com>
Sent: Wednesday, August 28, 2024 4:07 PM
To: Rodriguez, Rachel
Subject: Re: [EXT] Water Permit Application

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Thank you,

Rachel Rodriguez

DANR | Program Assistant

Rachel.Rodriguez@state.sd.us



From: Craig <infinitylanding@gmail.com>
Sent: Tuesday, August 27, 2024 6:42 PM
To: Rodriguez, Rachel <Rachel.Rodriguez@state.sd.us>
Subject: Re: [EXT] Water Permit Application

Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Wednesday, August 28, 2024 11:49 AM
To: Craig
Subject: RE: [EXT] Water Permit Application

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- The annual volume seems quite high. A general practice is to base annually acre-feet of water based on a pumping of 60% of the time. Applying this 60% rate to 435 acre-feet a year equates to 261 acre-feet of water annually. Do you agree with this amount? If you agree, I can make the change to your application.

Thank you,

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



From: Craig <infinitylanding@gmail.com>
Sent: Tuesday, August 27, 2024 6:42 PM
To: Rodriguez, Rachel <Rachel.Rodriguez@state.sd.us>
Subject: Re: [EXT] Water Permit Application

Sorry, I just got this I will send a check

Thanks Craig

On Tue, Aug 27, 2024 at 8:42 AM Rodriguez, Rachel <Rachel.Rodriguez@state.sd.us> wrote:

Good morning,

I am just following up on the email I sent Wednesday, August 7th, see below. If you would like to keep the 435-acre feet annually. The fee is \$1,150.00, you submitted \$1,050.00. Therefore, you owe an additional \$100.00. Please reply at your earliest convenience.

Thank you,

Rodriguez, Rachel

From: Craig <infinitylanding@gmail.com>
Sent: Tuesday, August 27, 2024 6:42 PM
To: Rodriguez, Rachel
Subject: Re: [EXT] Water Permit Application

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Thank you,

Rachel Rodriguez

DANR | Program Assistant

Rachel.Rodriguez@state.sd.us



From: Rodriguez, Rachel
Sent: Wednesday, August 7, 2024 9:34 AM
To: 'infinitylanding@gmail.com' <infinitylanding@gmail.com>
Subject: Water Permit Application

Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Tuesday, August 27, 2024 9:42 AM
To: infinitylanding@gmail.com
Subject: RE: Water Permit Application

Good morning,

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Thank you,

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



From: Rodriguez, Rachel
Sent: Wednesday, August 7, 2024 9:34 AM
To: 'infinitylanding@gmail.com' <infinitylanding@gmail.com>
Subject: Water Permit Application

Good morning,

I am in receipt of your water permit application. There is one item that needs to be addressed:

- The annual volume seems quite high. A general practice is to base annually acre-feet of water based on a pumping of 60% of the time. Applying this 60% rate to 435 acre-feet a year equates to 261 acre-feet of water annually. Do you agree with this amount? If you agree, I can make the change to your application.

Once I receive your reply, I can begin processing your application.

Thank you,

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

Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Wednesday, August 7, 2024 9:34 AM
To: 'infinitylanding@gmail.com'
Subject: Water Permit Application

Good morning,

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Once I receive your reply, I can begin processing your application.

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

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 2040-1, Infinity Properties, LLC**

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. 2040-1, Infinity Properties, LLC, 7190 Infinity Drive, Summerset SD 57718.

The Chief Engineer is recommending APPROVAL of Application No. 2040-1 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. 2040-1 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. 2040-1 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 is located near domestic wells and other wells which may obtain water from the same aquifer. The well owner, under these Permits must 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 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.
4. The Permit holder must report to the Chief Engineer annually the amount of water withdrawn from the Madison aquifer.
5. Water Permit No. 2040-1 appropriates up to 326 acre-feet of water annually.

See report on application for additional information.

Eric Gronlund, Chief Engineer
October 31, 2024

**Report to the Chief Engineer on
Water Permit Application No. 2040-1**
Infinity Properties, LLC
2024 October 15

Water Permit Application No. 2040-1 proposes to appropriate 326 acre-feet of water annually (ac-ft/yr) at a maximum diversion rate of 0.60 cubic feet of water per second (cfs), equivalent to approximately 270 gallons per minute (gpm), from one well completed into the Madison aquifer (3,060 feet deep) located in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 15-T3N-R7E Black Hills Meridian. The water is for use in a water distribution system to be located in the S $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ Section 15, SW $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ Section 14; all in T3N-R7E. The water distribution system may also supply water to adjacent properties. This site is located approximately four and one-half miles northeast of Summerset, South Dakota.

Aquifer: Madison Limestone (MDSN)

Hydrogeologic Characteristics

The Madison Group in South Dakota is a Lower Mississippian and Upper Devonian aged 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 submitted a well completion report for a well completed in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 15-T3N-R7E on June 8, 2024. The driller reported encountering the Madison aquifer from 2,694 to 3,060 feet below grade and found a closed in pressure of 130 psi (299 feet of hydraulic head above the top of the casing) at the time the well was completed. Land surface is approximately 3,150 feet above NAVD29 at the site of the well for this application [6], so the top of the formation the well is completed into is approximately 460 feet above NAVD29 and the hydraulic head in the aquifer is 3,450 feet above NAVD29. Maps of the hydraulic head and surface of the Madison Group indicate the hydraulic head is expected to be approximately 3,130

feet above NAVD29 [7] and the top of the formation is expected to be 700 feet above NAVD29 [8], so the top of formation and hydraulic head are different than expected for the Madison aquifer in this area. However, the next lowest aquifer, the Deadwood, has an expected hydraulic head and surface elevation of at least 3,500 feet [9] and 150 feet [10] above NAVD29, respectively. It is likely that the Deadwood aquifer is influencing the Madison aquifer in this area, causing the hydraulic head in the Madison to be elevated compared to previously mapped information [11].

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 (from here on, "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 applicant is a water distribution system as defined in SDCL 46-1-6(17) and the Madison aquifer is older and stratigraphically lower than the Greenhorn Formation. Therefore, the 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 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 from one of the counties listed above. Therefore, in addition to the other requirements, the 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 [12]. 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 [13] 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 [13]. Woodward-Clyde Consultants produced a lower-bound recharge estimate of 140,000 ac-ft/yr based on the Rahn and Gries [14] report [13]. 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 [14]. Rahn and Gries [14, 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 [14] 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 [13].

Carter, Driscoll, and Hamade [12] 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 [12]. Carter, Driscoll, and Hamade [12] 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 the Black Hills of South Dakota and Wyoming. The Carter, Driscoll, and Hamade [12] report uses more years of data, more recent data, and better assumptions than the Woodward-Clyde Consultants [13] and Rahn and Gries [14] reports. Therefore, the best estimate of recharge to the Madison aquifer is based on the Carter, Driscoll, and Hamade [12] 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 [15]. 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 176 water rights/permits currently authorized to withdraw from the Madison aquifer, and 12 future use water rights/permits reserving water from the Madison aquifer. Table 1 shows the future use permits reserving water from the Madison aquifer [16].

Table 1: Future Use Permits from the Madison aquifer [16]

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
2086A-2	City of Rapid City	PE	MUN	05/18/1989	0
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					
* This permit reserves water from multiple aquifers but is assumed to withdraw solely from the Madison for estimation of the hydrologic budget.					

Of the 176 active water rights/permits, 107 are primarily for some type of water distribution system (rural water system, municipal, etc), 34 primarily for irrigation, 15 primarily for commercial use, 11 primarily for industrial use, 4 primarily for domestic use, 2 for geothermal use, 2 for institutional use, and one primarily for recreation [16]. There are 37 water rights/permits which have irrigation listed as one of the uses in their permit. 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, except Water Permit No. 2880-2, which is estimated to use 1.9 ac-ft/yr for non-irrigation [17]. In the case of Water Right No. 1885-1, that would have caused the total estimated withdrawal to

Report on Water Permit App. No. 2040-1

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

Table 2: Permits with irrigation listed as one beneficial use, or are connected to an irrigation permit [16] [18]

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	100.0	0.0	6	200.0	0.0	200.0
1635-1	Black Hills National Cemetery	0.820	54.5	94.7	28	94.7	356.4	451.1
1452-1	Black Hills State College	3.330	25.4	20.1	35	20.1	1,447.5	1,467.6
1670-1	Buddy L, Peggy A, Kami S Ireland	3.610	253.0	43.9	26	*	*	*
1096A-1	Butte Meade Sanitary Dist	1.330	0.0	N/A	0	*	*	963.5
2458-2	City of Rapid City	0.800	107.0	104.6	23	104.6	0.0	104.6
2002-1	City of Spearfish	1.330	40.0	0.0	3	80.0	0.0	80.0
2313-2	Coca-Cola Bottling	0.330	3.0	7.1	29	7.1	143.4	150.6
1899-1	Davis Ranches Inc	1.430	100.0	0.0	15	0.0	0.0	0.0
1650-1	Dennis L Miller	0.890	0.0	85.4	1	*	*	55.9
2673-2	Diocese of Rapid City	0.120	7.0	8.2	11	8.2	0.0	8.2
1009-1	Donald F/Ann J Brady	0.780	53.7	29.0	42	29.0	0.0	29.0
1185-1		0.380	22.5	115.0	42	115.0	***	115.0
2286-2	Donald Konechne	0.100	38.5	9.8	30	9.8	0.0	9.8
1707A-1	Elkhorn Ridge @ Frawley Ranches LLC	3.705	100.0	0.0	4	0.0	1,610.5	1,610.5
1707E-1**		0.000	0.0	14.2	17	14.2	0	14.2
1931-1		0.170	3.3	3.0	11	3.0	73.9	76.9
1945-1	Frawley Ranches LLC	1.110	265.0	53.4	10	53.4	0.0	53.4
1858-1	Glencoe Camp Resort II LLC	0.860	34.0	0.0	18	0.0	373.8	373.8
2593-2	Hart Ranch Development	0.490	72.5	29.8	17	29.8	213.0	242.8
1911-2	Hart Ranch Development Co	0.880	124.0	118.0	30	118.0	382.5	500.5
1725-2	Janice R Crowser	1.070	75.1	0.9	25	0.9	0.0	0.9
2037-1	Jared and Anna Lukens-Black	0.055	0.6	N/A	0	1.2	0.0	1.2
2880-2	Jeremiah and Wendy Walla*	0.390	23.5	N/A	0	47.1	1.9	49.0
2012-1	Jesse Horstmann	0.500	43.5	0.0	2	87.0	0.0	87.0
858-2	John & Heidi McBride	9.360	655.8	6.4	40	6.4	0.0	6.4
1885-1	John T & Veronica Widdoss	0.110	22.0	18.5	7	44.0	35.7	79.7
1960-1	One Diamond Inc	1.280	150.0	130.1	8	300.0	29.0	329.0
1223-1	P & L Water and Hay LLP	0.670	263.0	186.1	42	186.1	0.0	186.1
1923-1	Roger and Jean Ranschau	0.110	3.0	0.8	12	0.8	47.8	48.6
2013-1	Santa Maria Land and Cattle Corp.	2.220	460.0	0.0	1	920.0	0.0	920.0
1363-1	Spearfish Canyon Country Club	0.900	80.1	66.4	37	66.4	0.0	66.4
2106-2	Stuart Rice	0.080	2.8	0.8	32	0.8	34.8	35.6
1842-1	Tom C Davis	0.440	330.0	0.0	19	0.0	0.0	0.0
2741-2	Tubbs Land & Cattle LLC	3.340	567.0	267.7	5	1,134.0	0.0	1,134.0
2879-2	Weinreis Brothers	0.500	75.0	N/A	0	150.0	0.0	150.0
419-2	Wind Cave National Park	0.150	6.0	N/A	0	12.0	65.2	77.2
Total		44.750	4,160.9	1,414.0	627	4,043.7	5,354.9	10,405.9

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

Water Right/Permit Nos. 1096A-1, 1496-1, and 1670-1 are all authorized to withdraw from the same well and one dam. Water Right Nos. 1096A-1, 1670-1 authorize diversion of water for irrigation use and Water Right No. 1096A-1 and Water Permit No. 1496-1 authorize diversion of water for rural water system use. Documentation in the administrative file for Water Right No. 1670-1 indicates that the well is not valved such that it can be shut off when not in use for the

beneficial uses listed on the permits [16]. 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 [16]. The person writing the letter indicated they would prefer the 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.

Water Right No. 1650-1 does not require the water right holder to report annual withdrawals and allocates no acreage [16]. 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 [19]. This water right was transferred to a new owner in 2021. For the 2023 irrigation season, the owner reported using 81.07 ac-ft of water for irrigation. As this is the only year this owner has reported, the value of 55.9 ac-ft/yr will be used as their average until more years of reporting can establish an average.

There are 7 water rights/permits for water distribution systems that have indicated to the DANR Drinking Water Program [20] that they do not produce water from their own wells and are purchasing water from another system, so they are assumed to withdraw a negligible amount of water. There are 50 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 [16]. 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 28,127 ac-ft/yr. There are 82 non-irrigation water rights/permits that do not have a volume limit listed in their permit and are not discussed above [16]. They are estimated to withdraw their maximum instantaneous diversion rate 60% of the time, for a total estimated withdrawal of 15,279 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, two 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 Table 3. The total estimated withdrawal, including withdrawals reserved for future use and held, or deferred applications is approximately 70,850 ac-ft/yr. This application

proposes to appropriate 326 ac-ft/yr. Therefore, based on the statewide hydrologic budget, there is reasonable probability unappropriated water is available for this application.

Table 3: Summary of estimated appropriations

Use Type	Count	Estimated Use/Appropriation (ac-ft/yr)
Irrigation	37	10,406
Standby	7	0
Volume Limit	50	28,127
Sixty Percent Estimate	82	15,279
<i>Subtotal</i>	<i>176</i>	<i>53,812</i>
Future Use	12	14,549
Pending	2	2,489
Grand Total	190	70,850

Local Hydrologic Budgets

While the statewide hydrologic budget is used as the basis for determination of availability of water, other studies exist which have focused on smaller areas of the Black Hills. This section will address estimated withdrawals within those areas for the information of the Chief Engineer and the Board.

Carter, et al. [15]

Carter, et al [15] 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 3 of their report. The boundaries of the Carter et al. [15] subareas were designed to minimize flow across subarea boundaries. Carter et al. [15] estimated the total recharge to the Madison and Minnelusa aquifers in Subarea 3 was 12.3 cfs. Assuming 55% of the recharge goes to the Madison aquifer, the estimated recharge to the Madison aquifer in Subarea 3 is 6.8 cfs, or approximately 4,900 ac-ft/yr [12] [15]. Carter, et al. [15] 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 14 water rights/permits authorized to withdraw from Subarea 3 and two future use permits reserving water from Subarea 3. 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 3 is 4,334 ac-ft/yr as compared to the estimated recharge of 4,900 ac-ft/yr. This application proposes to withdraw up to 326 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.

Long and Putnam [5]

Long and Putnam [5] analyzed groundwater flow of the Madison and Minnelusa aquifers in the area near Rapid City, including the area for this application. One product of that analysis was a hydrologic budget for water years 1988 through 1997. Long and Putnam [5] estimated that in their study area, streamflow recharge was 38.8 cfs, precipitation recharge as 16.1 cfs, and

groundwater inflow from the Deadwood aquifer was 6.3 cfs, for a total of 61.2 cfs flowing into the Madison and Minnelusa aquifers. Assuming 55% of that value goes to the Madison aquifer, recharge to the Madison aquifer in the area of the Long and Putnam study is 33.7 cfs, equivalent to approximately 24,400 ac-ft/yr. The estimated withdrawal from the Madison aquifer in the Long and Putnam study area, including appropriations reserved for future use, is 31,752 ac-ft/yr. This application seeks to appropriate up to 326 ac-ft/yr. Observation well data suggests that hydraulic head in the Madison aquifer remains relatively stable in nearby observation wells, so it is possible the potentiometric surface of the aquifer changed after the Long and Putnam [5] study was completed. Based on Water Rights Staff experience, it is also likely that annual withdrawals estimated by assuming the permit holder withdraws at 60% of their maximum licensed/permitted rate is higher than the true value. Therefore, based on the local hydrologic budget, there is reasonable probability unappropriated water is available for this application.

Table 4: Estimated withdrawals in Long and Putnam [5] study area

Type	Count	Est. Use (ac-ft/yr)
Irrigation	9	1,301
Standby	1	0
Volume Limit	19	15,054
Sixty Percent Estimate	36	6,444
<i>Subtotal</i>	<i>65</i>	<i>22,799</i>
Future Use	5	8,953
Pending	0	0
Grand Total	70	31,752

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 [21]. The nearest observation well to this application is MD-94A, located approximately 6 miles west of this application [21]. Water levels in Observation Well MD-94A from 2004 through 2013 are likely to be inaccurate due to a leak in the well's casing which was subsequently repaired. The next nearest observation wells to this application are Observation Wells PE-95C and MD-90A, located approximately 8 miles southwest and 11 miles northwest of this application, respectively [21]. Figure 1 shows water levels in those three observation wells over the period of record [21]. Given the distance between this application and the observation wells, water levels in the observation wells are unlikely to represent the specific conditions of the Madison aquifer at the site of this application. However, they do represent the general behavior of the Madison aquifer. In general, water levels rise during periods of higher-than-average rainfall and decline during periods of lower-than-average rainfall [22]. This means that recharge and natural discharge are the dominant effects in the aquifer and natural discharge is available for capture. Therefore, based on observation well analysis, there is reasonable probability unappropriated water is available for this application.

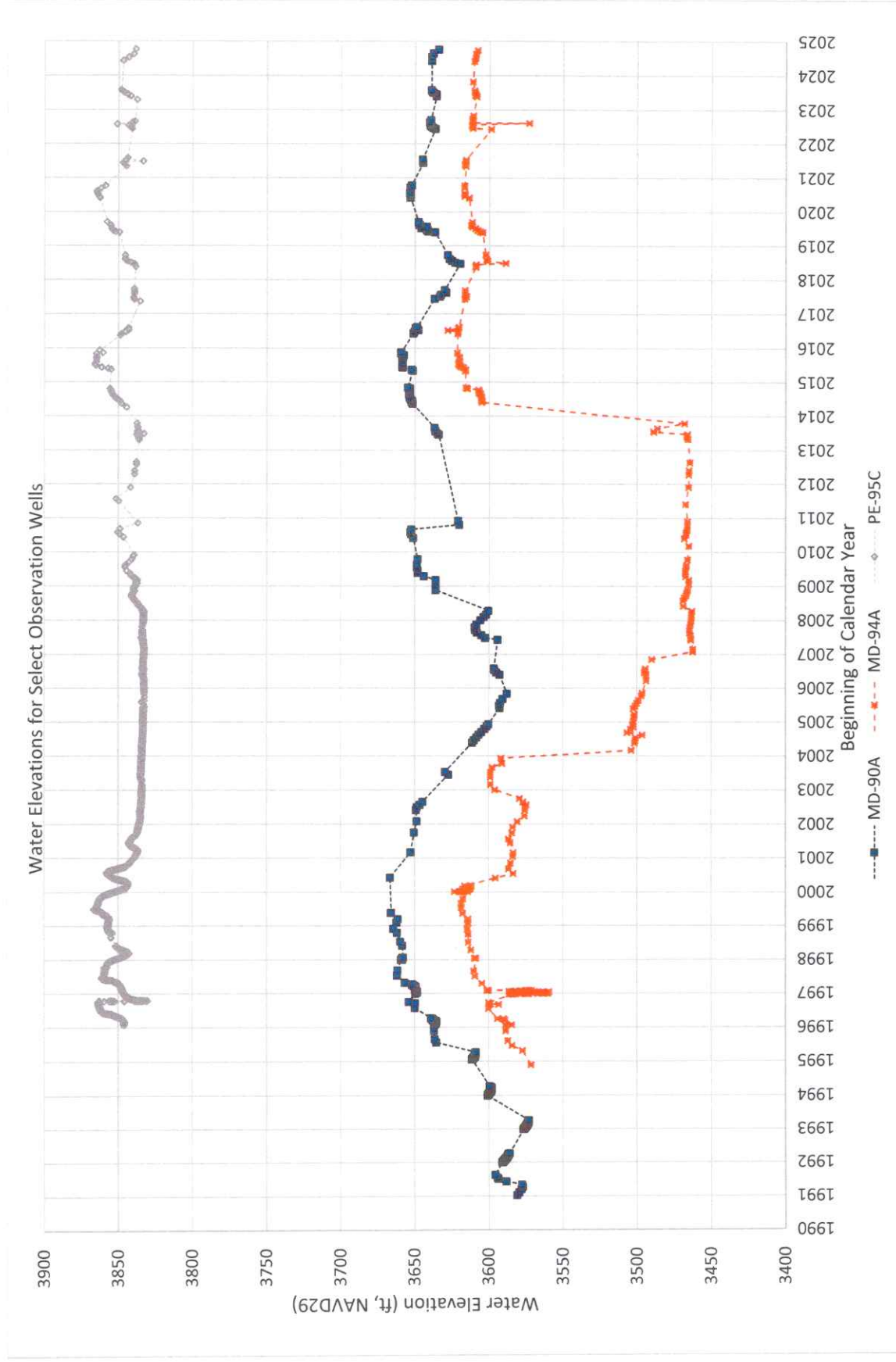


Figure 1: Water level elevations in nearby Madison observation wells [21]

Possibility of Unlawful Impairment of Existing Water Rights

The nearest water right or permit to this application is Water Permit No. 2022-1, located approximately 1.9 miles north of this application [16]. There are no domestic wells on file within three miles of this application that are likely to be completed into the Madison aquifer [23]. Location of well completion reports on file with the Water Rights Program is based on the driller's description of the well unless noted otherwise. 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

This application is likely to cause some drawdown in the aquifer if it is approved. Precise drawdown effects caused by a well cannot be known without an aquifer performance test that includes an observation well at the location of concern. Madison aquifer characteristics vary greatly from location to location. In the hearing for Water Permit Application No. 2313-2 for Coca-Cola Bottling Company, the 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 [24]. If hydraulic head in the aquifer declines below the placement of a pump or outlet of a flowing well, well owners may be required to lower their pumps or install pumps to maintain their withdrawal rate. As long as the well does not meet the definition of an adversely impacted adequate well (ARSD 74:02:04:20(7)), the Board has not historically considered the need to install or lower a pump an unlawful impairment of existing water rights. The hydraulic head in the aquifer is approximately 2,990 feet above the top of the formation at the location of the applicant's well. There are no complaints on file with the Water Rights Program regarding well interference in the Madison aquifer in Meade County [25]. Based on the lack of complaints, abundance of hydraulic head in the aquifer, and distance from this application to other water rights/permits and domestic wells, there is reasonable probability this application can be developed without unlawful impairment of existing water rights.

Impact to Springs

The nearest major springs to this application are Elk Creek Springs, located approximately nine miles west of the well for this application [26]. 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" [27]. Given the distance between the proposed well

site and the nearest springs, there is reasonable probability this application can be developed without noticeably impacting flow from the springs.

Special Consideration: Flowing Wells

South Dakota Codified Law (SDCL) 46-1-4 provides that waste of water should be prevented. Administrative Rule of South Dakota (ARSD) 74:02:04:76 provides that "Any well that flows or may flow shall be constructed to allow the completed well to be completely shut off or the flow reduced to no more than 5 gallons per minute to prevent freezing when not in use." Therefore, the applicant must valve the well so that waste of water is prevented except as provided by ARSD 74:02:04:76.

Conclusions

1. Water Permit Application No. 2040-1 proposes to appropriate 326 ac-ft/yr at a maximum diversion rate of 0.60 cfs from one well completed into the Madison aquifer located in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 15-T3N-R7E Black Hills Meridian. The water is for use in a water distribution system to be located in the S $1\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ Section 15, SW $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ Section 14; all in T3N-R7E. The water distribution system may also supply water to adjacent properties.
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 impact to existing domestic uses and water rights.
4. There is reasonable probability this application can be developed without noticeable impact to nearby springs.
5. This application is subject to a twenty-year term limitation.



Kimberly C. Drennon, E.I.

Natural Resources Engineer II – DANR Water Rights Program

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**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.**

November 4, 2024

Infinity Properties, LLC.
c/o Craig Baumiller
7190 Infinity Drive
Summerset SD 57718

Dear Mr. Baumiller:

Water Permit Application No. 2040-1 for 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 Rapid City Journal printed in Rapid City SD (online portal payment, you will receive an email from the Column). 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. 2040-1 to Appropriate Water

Notice is given that Infinity Properties, LLC. – Craig Baumiller, 7190 Infinity Drive, Summerset SD 57718, has filed an application for a water permit to appropriate up to 326 acre-feet of water annually at a maximum pump rate of 0.60 cubic feet of water per second from one well completed into the Madison Aquifer (3,060 feet deep) located in the NW 1/4 SE 1/4 Section 15-T3N-R7E. The water is for use in a water distribution system to be located in the S 1/2 NE 1/4, SE 1/4 Section 15, SW 1/4 NW 1/4, SW 1/4 Section 14; all in T3N-R7E. The water distribution system may also supply water to adjacent properties. This site is located approximately four and one-half miles northeast of Summerset SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2040-1 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. 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 25, 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 November 25, 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, November 4, 2024 12:27 PM
To: Faith Ind
Subject: 2040-1 Infinity Properties, LLC - Public Notice
Attachments: 2040-1 public.short_final.docx; FORM8.FRM.doc

Attached is a notice to be published on Wednesday, November 13, 2024.

Infinity Properties, LLC. – Craig Baumiller, 7190 Infinity Drive, Summerset SD 57718, 605-787-2180, 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, November 4, 2024 12:28 PM
To: RCY Legals
Subject: 2040-1 Infinity Properties, LLC - Public Notice
Attachments: 2040-1 public.short_final.docx; FORM8.FRM.doc

Attached is a notice to be published on Tuesday, November 12, 2024.

Infinity Properties, LLC. – Craig Baumiller, 7190 Infinity Drive, Summerset SD 57718, 605-787-2180, infinitylanding@gmail.com 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:

11/13/2024

Cost of Printing \$45.74



(Signature)

Owner

(Title)

11/27/24

(Date Signed)

Proceedings of the Common Council City of Faith, SD

The Common Council for the City of Faith, South Dakota met in regular session on November 5, 2024 at 7:00 P.M. in the Training Room of the Public Safety Building. Mayor Haines called the meeting to order, Debbie Brown called roll call, and Mayor Haines led the Pledge of Allegiance.

Council members present: Brown, Grueb, Haefner, Hellekson, Rasmussen and Stern.

Council member absent: None.
Others in attendance were: Tim Hartman (via Zoom), Rick Smith, Shandee Gillin, Yvonne McGinnis, Debbie Brown, Jon Collins and Loretta Passolt.

Brown made a motion, seconded by Grueb to approve the agenda removing item #7. Executive Session – Possible Litigation. Motion carried.

Brown made a motion, seconded by Rasmussen to approve the minutes of October 15, 2024 meeting. Motion carried.

Water Tower Project:

Tim Hartman, KLJ Engineering updated the Council on the water project:

- Water main work near completion with a few tie ins and connection at the existing tank remaining.

- Bulk of asphalt patching completed.
- Water tower foundation is completed.

- Awaiting mobilization and start of tower erection, tentative two weeks out.
- Need to address connection at existing tank and waterline.

- Need to address grading around new water tower site.

- Discussion of a proposal needed for coating and welding inspection from KLJ.

- Pay Estimate #5 revised before approving to \$470,282.15.

- Generator pad discussed about not pouring if we don't plan on installing one.

CLAIMS APPROVED:

The following claims were presented and read:

PAGE 1

Utility Department, Salaries – \$13,824.06; Finance Office, Salaries – \$8,800.32; Police Department, Salaries – \$6,211.98; Bar & Liquor Store, Salaries – \$4,837.60; Janitor, Salaries – \$2,599.31; Ambulance Department, Salaries – \$7,687.82; Landfill, Salaries – \$393.04; Library, Salaries – \$806.82; Information Center, Salaries – \$1,955.99; Meade County Treasurer, Satellite Office-Titles & Registration – \$31,768.69; Cash, ATM Cash – \$5,740.00; Cash, ATM Cash – \$5,640.00; Cash, ATM Cash – \$3,420.00; AFLAC, Cancer & Accident Insurance – \$714.26; Butler Insurance, Insurance – \$4,530.00; Companion Life, Dental Insurance – \$1,569.08; Dearborn Life, Life Insurance – \$148.50; Express Communications, Intra/Inter Access Expense – \$571.64; First National Bank, Payroll Taxes – \$1,580.68; First National Bank, Payroll Taxes – \$5,187.44; First National Bank, Payroll Taxes – \$5,042.90; First National Bank, Sales Tax – \$5,517.19; First National Bank, Aviation Fees – \$92.85; Jerome Beverage, Beer – \$91.35; Johnson Brothers, Liquor – \$1,331.92; Low Voltage Integrators, Surveillance Equipment – \$4,333.73; Low Voltage Integrators, Surveillance Equipment – \$4,832.25; Low Voltage Integrators, Surveillance Equipment – \$3,745.95; Marco Technologies, Monthly Maintenance – \$145.48; Missouri River Energy, Energy Charges – \$12,962.95; North Dakota DHS, Child Support – \$309.60; North Dakota DHS, Child Support – \$309.60; Northwest Beverage, Beer – \$714.90; Northwest Beverage, Beer – \$809.40; Republic National, Liquor – \$468.15; South Dakota Network, Str Shaken – \$227.24; VSP Insurance, Vision Insurance – \$218.08; Wellmark Blue Cross &

Blue Shield, Health Insurance – \$14,792.15; Advanced Drug Testing, Inc., Drug/Alcohol Screening & supplies – \$101.20; American Legal, Updating Ordinances – \$195.00; Tyrell Bachman, Repair of Storm Damage-Grandstand – \$717.29; Binary Empires, Computer Professional Services – \$273.75; Black Hills Windshield Repair, Repair – \$475.00; Bound Tree, Supplies – \$166.36; City of Faith, Utilities – \$6,857.53; Clayborne, Loos & Sabers, LLP, Attorney Fees – \$1,350.00; Coca-Cola Bottling Company, Pop – \$170.00; CSSA, Modems – \$297.00; CASH-WA, Bar Food & Supplies – \$415.30; Faith Lumber Company, Supplies – \$794.19; Faith School, Fitness Center Membership-PD – \$10.00; FEDEX, Shipping Fee – \$28.29; Carmen Fees, On Call Mileage Ambulance – \$33.50; Golden West Technologies, HD Subscriber Count – \$423.90; Golden West Telecommunications, Special Access – \$446.83; Heartland Waste Management, In, Garbage Contract & Dumpsters – \$7,300.00; Jenner Equipment Co, Parts – \$741.68; KLJ Engineering LLC, Professional Services-Water Tower – \$17,104.57; KLJ Engineering LLC, Professional Services-Airport – \$20,000.00; Lynn's DakotaMart, Supplies – \$131.50; Mni Waste, Water – \$6,979.35; PEN-FIELD LAW FIRM, PROF. L.L.C., Professional Services-Attorney – \$875.00; Physician's Claims Company, Ambulance Billing – \$1,517.50; Pumps Tire Service, Inc, Tires – \$317.68; Power House, Supplies – \$99.47; RDO EQUIPMENT COMPANY, John Deere Z994R Mower – \$18,586.26; S & S Road Runner Company, Misc – \$1,028.00; SD Department of Health, Water Testing – \$30.00; S.D. Retirement System, Retirement Plan – \$6,283.08; Sanitation Products, Inc., Street Sweeper Parts – \$4,877.42; SDML Workers Comp Fund, Workers Compensation Insurance – \$15,384.00; SD Telecommunications Assoc., Membership Quarterly Dues – \$2,040.25; South Dakota Lottery, Video Lottery License Renewal – \$100.00; Tri State Water, Inc., Water – \$18.20; Visa, Credit Card – \$3,388.19; RCS Construction, Water Tower Project, Pay App #5 – \$470,282.15

Brown made a motion, seconded by Grueb to approve the claims as presented with the correction for RCS Construction as discussed to the \$470,282.15. All yes votes. Motion carried.

Public Comment – Visitors:

No public comments.

Approve Resignation:

Mayor Haines stepped away from the table. President Jeff Brown presided the meeting. President Brown read the resignation letter from Justin Haines. Grueb made a motion, seconded by Rasmussen to accept Justin Haines' resignation. Five – yes votes. Motion carried. Mayor Haines came back to the table.

Budget Discussion:

Council discussed 2025 budget items prior to the First Reading.

First Reading – Ordinance

No. 365(2025 Budget):

Brown made a motion, seconded by Grueb to approve the First Reading of Ordinance No. 365– (2025 Budget). All yes votes. Motion carried.

Surplus(One Tire):

Brown made a motion, seconded by Stern to approve to surplus one tire which is destroyed. Motion carried.

Skidsteer:

Grueb made a motion, seconded by Haefner to approve Jon Collins to get quotes on a skidsteer. All yes votes. Motion carried.

Health Insurance Quotes:

Risty Benefits Inc. did a quote and replied back that we should stay with our grandfathered plan, his quote wasn't as good. Council will look again next meeting.

Brown made a motion, seconded by

Haefner to adjourn. Motion carried.

Debbie Brown,
Finance Officer

Glen Haines, Mayor

Published November 13, 2024 at the approximate cost of \$76.55 and may be viewed free of charge at www.sdpublishpublicnotices.com.

NOTICE OF APPLICATION NO. 2040-1 to Appropriate Water

Notice is given that Infinity Properties, LLC. – Craig Baumiller, 7190 Infinity Drive, Summerset SD 57718, has filed an application for a water permit to appropriate up to 326 acre-feet of water annually at a maximum pump rate of 0.60 cubic feet of water per second from one well completed into the Madison Aquifer (3,060 feet deep) located in the NW 1/4 SE 1/4 Section 15-T3N-R7E. The water is for use in a water distribution system to be located in the S 1/2 NE 1/4, SE 1/4 Section 15, SW 1/4 NW 1/4, SW 1/4 Section 14; all in T3N-R7E. The water distribution system may also supply water to adjacent properties. This site is located approximately four and one-half miles northeast of Summerset SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2040-1 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. 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 November 25, 2024.

The petition shall include a statement describing the unique injury upon approval of the application on the peti-

tioner, 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 25, 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 November 13, 2024 at the approximate cost of \$45.74 and may be viewed free of charge at www.sdpublishpublicnotices.com.

** AMENDED ** NOTICE OF SALE

IN CIRCUIT COURT
FOURTH JUDICIAL CIRCUIT
46CIV21-163

STATE OF SOUTH DAKOTA

COUNTY OF MEADE

JAMES TODD and TERI TODD,
Plaintiffs,
vs.
RICHARD W. KIEFFER,
Defendant.

In an attempt to satisfy the Execution of Judgment issued in the above-entitled action dated July 11, 2024, in the amount of \$2,851,636.41, plus interest, fees and costs, all interest in a certain Short Form Contract for Deed dated March 14, 2023 between Richard W. Kieffer, "Seller", and Nathan R. Howie "Buyer" and recorded at the office of the Meade County Register of Deeds in Miscellaneous Book 973 Page 342 thru 343 on 3/16/2023 at 9:03 AM, shall be sold.

The Short Form Contract for Deed states as follows:

THIS AGREEMENT is entered into between Richard W Kieffer 14555 Hamlet Pl, Sturgis, SD 57785, hereinafter called "Seller", and Nathan R. Howie Po Box 63 White Owl, SD 57792, as "Buyer".

WITNESSETH:

In consideration of One Dollar (\$1.00) and other good and valuable consideration of the payments stipulated to be made in the Contract of Deed dated the 14 day of March, 2023, and in consideration of the mutual and reciprocal covenants flowing between the parties and others, therein the Seller has agreed to sell and the Buyer has agreed to buy all of the following described real estate situated in the County of Meade in the State of South Dakota.

The real property being sold under the Contract for Deed herein is described as follows:

Description 1

Township 6 North, Range 8 East of the Black Hills Meridian, Meade County, South Dakota:

Section 13: SW ¼

Section 21: SE1/4NE1/4; E1/2SE1/4
Section 22: N1/2NE1/4; S1/2NE1/4
Section 23: SE1/4; NW1/4NW1/4
Section 24: NW1/4NW1/4; W1/2W1/2
Section 25: NW1/4NW1/4
Section 26: N1/2; N1/2SW1/4; NW1/4SE1/4
Section 27: N1/2; NE1/4SW1/4; N1/2SE1/4

Description 2

Township 6 North, Range 8 East of the Black Hills Meridian, Meade County, South Dakota:

Section 25: S1/2N1/2; N1/2NW1/4SW1/4; and that portion of the NE1/4NW1/4 and the N1/2NE1/4 described as follows:

Beginning at the Southwest corner of the NE1/4NW1/4 of Section 25, thence North to the Northwest corner of the NE1/4NW1/4, thence East of the South side of the Belle Fourche River,

Thence Southeasterly along the South side of the Belle Fourche River to the east line of Section 25 in the NE1/4NE1/4, thence South to the South line of the NE1/4NE1/4, thence West to the point of the beginning.

Township 6 North, Range 9 East of the Black Hills meridian, Meade County, South Dakota

Section 30: Lots 2 and 3; SE1/4NW1/4; and the NE1/4SW1/4, excepting therefrom the following described land:

Beginning at the Northeast corner of the SE1/4NW1/4 of Section 30 and running West 62 rods on the North line said 40 acres, thence South 6 degrees and 18 minutes East 91 rods, thence East 52 rods on the line parallel with the North line to the East line of said NE1/4W1/4 of Section 30 thence North 90.46 rods on the East line of the NE1/4SW1/4 and on the East line of the SE1/4NW1/4 to the point of the beginning.

That all of the terms and conditions of said contract for sale of the above-described real estate are set forth in the above referred Contract for Deed between the parties hereto and that each of the parties has a true correct copy thereof and said Contract for Deed is incorporated herein by reference.

That because of the lengthy nature of said Contract for Deed, both parties hereby agree to record this Short Form Contract for Deed rather than the full-length Contract for Deed which contains all of the terms and conditions of the transaction.

Executed the day(s) and year set forth in the acknowledgments.

This below information will clarify information stated in the Notice of Sale that was previously recorded on October 24, 2024, in Book 987 Pages 1017-1019, in the Meade County Register of Deeds office.

The sale of real property will be held on the front steps of the Meade County Courthouse, 1425 Sherman Street, Sturgis, South Dakota, on the 5th day of December, 2024, at the hour of 10:00 o'clock a.m. The sale will be made to the highest bidder for cash or certified bank check. The sale is made subject to redemption by the owner, mortgagor, judgment debtor, or their successors, having any interest in the property sold, and holder of any lien, legal or equitable, subsequent and junior to that from which redemption is to be made, on the property sold, or any part thereof, or any share or interest therein.

Dated this 30th day of October, 2024.

Pat West
Sheriff of Meade County

By: _____
Quinn Regan
Civil Deputy

Published November 6, 13, 20, & 27, 2024 at the approximate cost of \$218.49 and may be viewed free of charge at www.sdpublishpublicnotices.com.

AFFIDAVIT OF PUBLICATION

Rachel Rodriguez
Department of Agriculture and Natural Resources
523 E Capitol Avenue

State of Pennsylvania, County of Lancaster, ss:

Rachel Cozart, being first duly sworn, deposes and says: That (s)he is a duly authorized signatory of Column Software, PBC and duly authorized agent of The Rapid City Journal, a corporation of Rapid City, South Dakota, a legal and daily newspaper printed and published in Rapid City, in said County of Pennington, and has full and personal knowledge of all the facts herein stated as follows: that said newspaper is and at all of the times herein mentioned has been a legal and daily newspaper with a bonafide paid circulation of at least Two Hundred copies daily, and has been printed and published for at least one year prior to the first date of the published notice.

This affidavit is a true and corrected copy of notice which appeared in said newspaper on the following dates:

PUBLICATION DATES: November. 12 2024

NOTICE ID: RJ2mPqiy2GjQxiN6bSDd

PUBLISHER ID: COL-SD-1306

NOTICE NAME: 2040-1 Infinity Properties, LLC - Public Noti

TOTAL AD COST: \$85.68

FILED ON: Nov. 4, 2024

Rachel Cozart

(Signed) _____

VERIFICATION

State of Pennsylvania
County of Lancaster

Commonwealth of Pennsylvania - Notary Seal
Nicole Burkholder, Notary Public
Lancaster County
My commission expires March 30, 2027
Commission Number 1342120

Subscribed in my presence and sworn to before me on this: 11/13/2024

Nicole Burkholder

Notary Public

Notarized remotely online using communication technology via Proof.

**NOTICE OF APPLICATION NO.
2040-1 to Appropriate Water**

Notice is given that Infinity Properties, LLC. - Craig Baumiller, 7190 Infinity Drive, Summerset SD 57718, has filed an application for a water permit to appropriate up to 326 acre-feet of water annually at a maximum pump rate of 0.60 cubic feet of water per second from one well completed into the Madison Aquifer (3,060 feet deep) located in the NW 1/4 SE 1/4 Section 15-T3N-R7E. The water is for use in a water distribution system to be located in the S 1/2 NE 1/4 SE 1/4 Section 15, SW 1/4 NW 1/4, SW 1/4 Section 14; all in T3N-R7E. The water distribution system may also supply water to adjacent properties. This site is located approximately four and one-half miles northeast of Summerset SD.

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ested person or the applicant must be filed by November 25, 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.

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(Published November 12, 2024 for a total approximate cost of \$85.68 and may be viewed for free at www.sdpublicnotices.com)
Legal No: COL-SD-1306

Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Monday, November 4, 2024 12:31 PM
To: Craig
Subject: 2040-1 Infinity Properties, LLC - Public Notice
Attachments: 2040-1 Rec.pdf; 2040-1 Ltr.pdf; 2040-1 PubNotice.pdf

Good afternoon,

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.** Please note that the Rapid City Journal has moved to an online payment portal, you should receive an email from the Column which will be for the Rapid City Journal. 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



December 13, 2024

REFUND REQUEST FORM

PAYEE:

Infinity Properties LLC
C/O Craig Baumiller
7190 Infinity Drive
Summerset SD 57718

FROM: DANR-Water Rights Program
523 E. Capitol Ave
Pierre, SD 57501-3181

DESCRIPTION OF SERVICE, PRODUCE OR TRANSFER

Refund for overpayment of #2040-1 Application Fee

AMOUNT: \$100.00

FUNDING SOURCE: WR Fees

GENERAL:

FEDERAL:

OTHER:

COMMENTS:

AUTHORIZATION: *Eve Dinkler* 12/13/2024

I declare and affirm under the penalties of perjury that this claim is in all things, true and correct. I further agree to comply with the provisions of the Civil Rights Act of 1964 and regulations issued thereunder relating to nondiscrimination in federal assisted programs.



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

DEC 18 2024

Infinity Properties, LLC
c/o Craig Baumiller
7190 Infinity Drive
Summerset SD 57718

Dear Mr. Baumiller:

Enclosed is Water Permit No. 2040-1 authorizing construction of the water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

An application/license filing fee of \$1,150.00 was submitted with the application. The correct fee for this permit is \$1,050.00. Therefore, \$100.00 will be refunded to you. The refund check should be received within the next couple of weeks.

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.: 2040-1

Name of Applicant: Infinity Properties, LLC, c/o Craig Baumiller

Date of Posting: 11/12/2024

Date of Removal: 12/13/2024



Ron Duvall, Engineer III

12/13/2024

Date

Subscribed and sworn to before me, a notary public, this 13th day of Dec, 20 24.



Notary Public - South Dakota
My commission expires: May 16, 2029

(SEAL)

