

WATER PERMIT NO. 2728-2

Name of Applicant: City of Gregory

Address: PO Box 436, Gregory SD 57533 Phone: 605 835-8270

Amount of Water Claimed: 0.22 cfs Total Acres: NA

Source of Water Supply: groundwater (two wells)

Water to be used for: municipal County: Gregory

Type of Waste Disposal System:

Location: 1 mile east of Gregory

PRIORITY Date Received: 7-25-14 Application/License Fee: \$ 950

Corrected Application Received: 8-14-14 Period of Annual Use: January 1 – December 31

Remarks: Withdrawal from Future Use Permit No. 2728-2

Diversion Point: NE 1/4 SW 1/4, NW 1/4 SE 1/4

Sec 16-T97N-R72W

Land to be Irrigated: NA

Depth of Well: 155 feet deep

Well Driller:

Remarks:

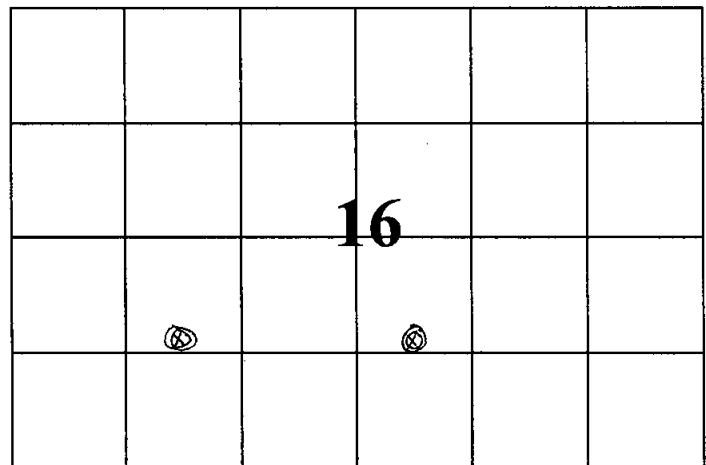
Type of Map: aerial

Prepared by: Joe Stonesifer

Reviewed and the Number Assigned on: 8-14-14

By: Karen Schlaak

Notice of Hearing - date to intervene: _____



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

Mail to:
PMB 2020
DENR - Water Rights
523 E Capitol Ave
Pierre, SD 57501-3182
ph. (605) 773-3352

(office use only)
No. 2728-2 Hydrologic Unit 10140101
Basin Missouri River
Newspaper Times-Advocate, Gregory
Daily Republic, Mitchell

RECEIVED
JUL 25 2014
WATER RIGHTS
PROGRAM

Application For Permit To Appropriate Water Within The State Of South Dakota

Check use(s) of water:

☒ Municipal ☐ Suburban Housing ☐ Recreational ☐ Institutional
☐ Rural Water System ☐ Commercial ☐ Fish & Wildlife ☐ Geothermal Heat
☐ 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. 1622-2
☐ Amendment/Correction to Permit No. _____

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

1. Name to Appear on Water Permit City of Gregory(check one) ☒ Owner ☐ Tenant/lessee ☐ Owner's Legal Agent

(name and complete address if different than above name)

Mailing Address PO Box 436 Gregory SD 57533
(Address) (City) (State) (Zip Code)

Home Phone 605 835-8270 Cell _____ Email gregcity@gwtc.net

2. Amount of water claimed 0.22 *CFS or 100 **GPM 96 ***AF
(*Cubic Feet per Second) (**Gallons per Minute) (***Acre Feet - storage capacity of dam/dugout or annual use if applicable)

3. Source of water supply groundwater (two wells)4. Location of point of diversion NE 1/4 SW 1/4, NW 1/4 SE 1/4 Sec 16-T97N-R72W County Gregory

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

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

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

(example - NW1/4 section 12-T104N-R53W)

5. County or counties where water will be used Gregory6. Annual period during which water is to be used January 1 - December 31

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

I, Al Gray for City of Gregory, the applicant, certify that I have read this application, have examined the attached map, and that the matters stated are true.

SOUTH DAKOTA
WATER PERMIT NO. 2728-2

Date of first receipt of application July 25, 2014.

Date of return to applicant for corrections, amendments or changes July 25, 2014.

Date of receipt of corrected application August 14, 2014.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 2728-2 to the City of Gregory, PO Box 436, Gregory SD 57533 authorizing the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 2728-2 authorizes placing to beneficial use 0.22 cubic feet of water per second (96 acre-feet annually) from two existing wells completed into the Ogallala Aquifer (155 feet deep) located in the NE 1/4 SW 1/4, NW 1/4 SE 1/4 Section 16-T97N-R72W. This water was appropriated and reserved by Future Use Permit No. 1622-2.
2. The water appropriated shall be used for the purpose of municipal 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. 2728-2 is October 20, 2014.
5. The date from which applicant may claim right is January 13, 1977 (established by Future Use Permit No. 1622-2.
6. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. The wells approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The city of Gregory shall report to the Chief Engineer annually the amount of water withdrawn from the Ogallala aquifer.

WATER MANAGEMENT BOARD

By: _____

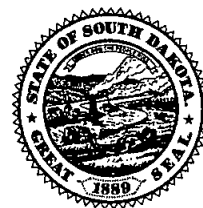
Jeanne Goodman
Jeanne Goodman, Chief Engineer

Water Rights Program

Department of Environment and Natural Resources

OCT 28 2014

date



Sec 8
T097N
R72W

Sec 9
T097N
R72W

Sec 10
T097N
R72W

Sec 17
T097N
R72W

Sec 16
T097N
R72W

Sec 15
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Sec 20
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Sec 28
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R72W

Sec 27
T097N
R72W

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 7/25, 20 14

RECEIVED OF City of Gregory PO Box 436 Gregory SD 57533

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

Fee for Application for Permit No. <u>2728-2</u> to Appropriate Water, to construct and to put water to beneficial use	750	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>2728-2</u>	200	00
Fee for Filing Transfer Form _____		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	950 00

No. **06912**

By J. L. Sandman
Chief Engineer



DEPARTMENT OF ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov



June 10, 2014

2404-2

City of Gregory
c/o Al Cerny, Finance Officer
PO Box 436
Gregory SD 57533

Dear Mr. Cerny:

On October 15, 2013, an investigation of the City of Gregory's water use system, including the extent of application of water to beneficial use, as developed under Water Permit No. 2404-2, was completed by Joe Stonesifer, a staff engineer with our program. Joe was assisted by Bud Jacobsen.

The investigation found two unauthorized wells developed. Attached is a list of the City's wells and associated permits and a map showing each well location (copies enclosed).

Enclosed is a partially completed application form. Please review the form, sign and return the application with a \$950.00 filing fee. Upon receipt of the completed application, a report and recommendation will be prepared as well as a public notice. The city will be responsible for the payment of the public notice. If you want more information regarding the permitting process, please go to our web site at <http://denr.sd.gov/des/wr/wr.aspx>

If you have any questions regarding the water permit application or the investigation of the city's water permits, please contact Eric Gronlund or me.

Sincerely,

Karen Schlaak

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

enclosures

City of Gregory Permitting/Inspection

Water Right No. 1031-2 authorizes 0.60 cfs from 7 wells located in the N½ SW¼ Section 16, T97N-R72W.

Water Right No. 1668-2 authorizes 0.14 cfs from 2 wells located in the SW¼ SE¼ Section 21, T97N-R72W.

In 1997, it came to the attention of Water Rights staff that the city had several unauthorized wells located in Sections 16 and 21, T97N-R72W.

- Well completion reports were submitted for two new wells located in Section 21, one in the SE¼ SE¼ and one in the NE¼ SE¼.
- These two wells were not authorized.
- A map was submitted (attached) showing 14 existing wells located in the N½ SW¼, one newer well in the NW¼ SE¼, and one proposed well in the SE¼ SE¼, all in Section 16.
- Only seven of the 14 existing wells in the N½ SW¼ Section 16 were previously authorized.
- This leaves seven existing wells in the N½ SW¼, one newer well in the NW¼ SE¼, and one proposed well in the SE¼ SE¼, all in Section 16, unauthorized.

The city responded.

- Two new wells were indeed recently constructed in the E½ SE¼ Section 21.
- Six wells located in N½ SW¼ Section 16 were added in 1985.
- One proposed well is to be constructed in the SE¼ SE¼ Section 16.
- One existing well in N½ SW¼ and one newer well in NW¼ SE¼, both in Section 16, that were on the map were not discussed.

Water Permit No. 2404-2 was processed.

- Two newly constructed wells located E½ SE¼ Section 21.
- Six existing wells located in the N½ SW¼ Section 16.
- These eight wells appropriate a total of 0.48 cfs (213 ac-ft/yr) from Future Use Permit No. 1622-2.
- One proposed well located in the SE¼ SE¼ Section 16 appropriating 0.10 cfs (not from future use).
- One existing well in N½ SW¼ and the one newer well in NW¼ SE¼, both in Section 16, that were on the map submitted were not included in the permit.

Inspection of Water Permit No. 2404-2 was performed on October 15, 2013.

- Map 1 shows the well field in Section 16, T97N-R72W, known as the Malchow well field.
- Map 2 shows the well field in Section 21, T97N-R72W, known as the Sattler well field.
- Table 1 is a summary of the wells found.

Map 1 – Malchow well field

- 14 wells in use were found the in the N½ SW¼ and one well in use was found in the NW¼ SE¼, both in Section 16. The location and number of wells exactly match the map previously submitted.
- The proposed well located in the SE¼ SE¼ Section 16 was not constructed.
- Seven of these wells were previously authorized by Water Right No. 1031-2. These are authorized a total of 0.60 cfs.
- Six additional wells were authorized by Water Permit No. 2404-2. These wells are capable of pumping a total of 0.33 cfs.
- One well in the N½ SW¼ is unauthorized. It is capable of pumping 0.056 cfs.
- One well in the NW¼ SE¼ is unauthorized. It is capable of pumping 0.167 cfs.

Map 2 – Sattler well field

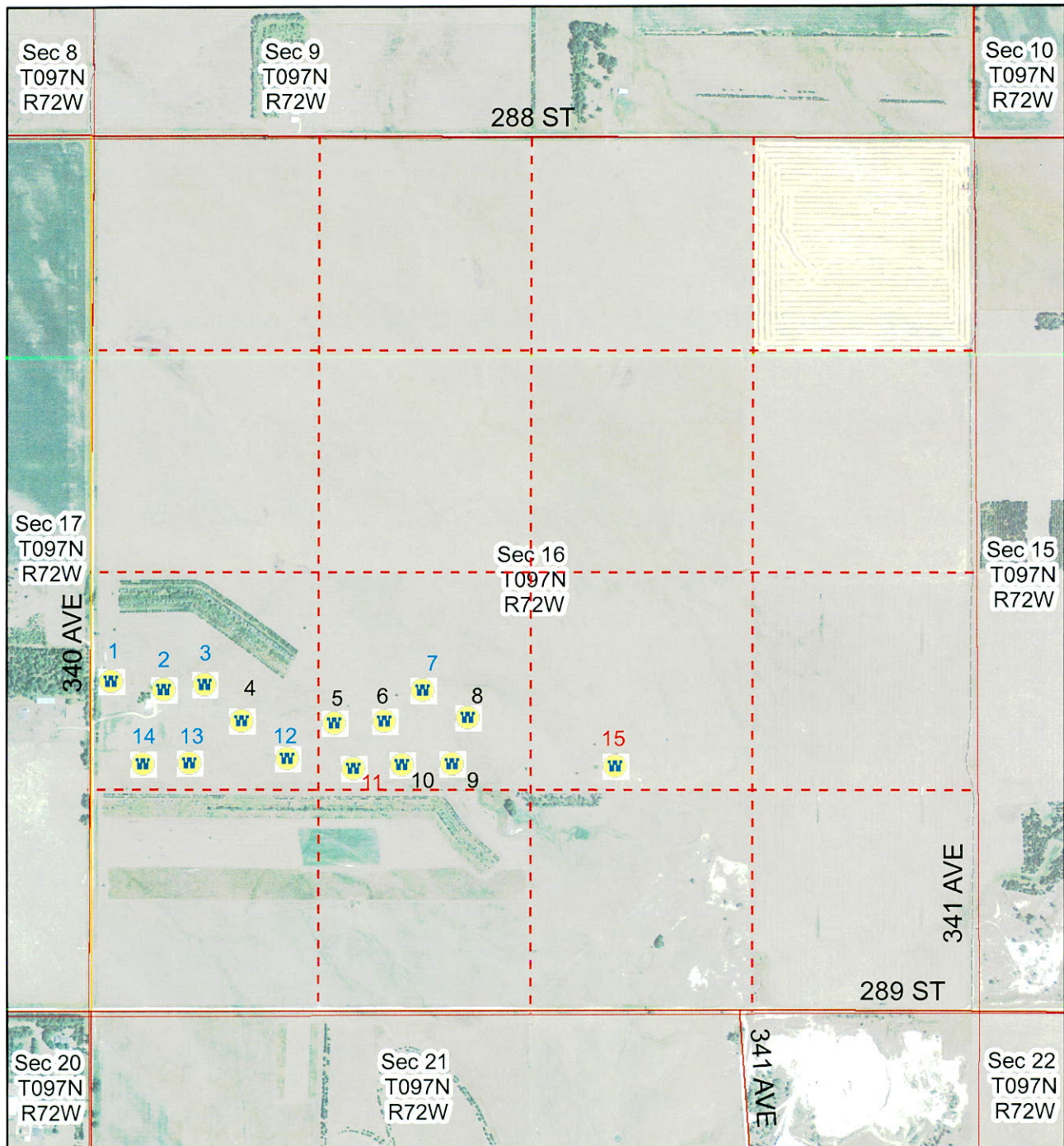
- Four wells in use were found the in the SE¼ Section 21.
- Two of these wells were previously authorized by Water Right No. 1668-2. These are authorized for a total of 0.14 cfs.
- Two wells were authorized by Water Permit No. 2404-2. These are capable of pumping a total of 0.15 cfs.

Conclusions

- Eight wells were constructed in the N½ SW¼ Section 16 and E½ SE¼ Section 21, T97N-R72W. These wells place 0.48 cfs (213 ac-ft/yr) to beneficial use from Future Use Permit No. 1622-2. This portion of Water Permit No. 2404-2 is fully developed. No water will be reverted back to the future use reservation.
- A well was not developed in the SE¼ SE¼ Section 16, T97N-R72W, for 0.10 cfs. This portion of Water Permit No. 2404-2 was not from a future use reservation.
- An additional water permit must be obtained for one remaining well located in the N½ SW¼ and one well located in the NW¼ SE¼, both in Section 16, T97N-R72W. These wells are capable of producing a total of 0.22 cfs.
- These wells are within the area of Future Use Permit No. 1622-2. At 60% pumpage, this diversion rate equates to 96 ac-ft/yr.
- The future use permit currently has 365 ac-ft/yr reserved from the Ogallala aquifer. This new permit would leave 269 ac-ft/yr in future use.
- Once this new permit is approved these Water Rights could be incorporated into one license.

City of Gregory Wells

Well Number	Legal Location	Authorization	Latitude	Longitude	Depth, ft	GPM	CFS	HP	Casing	Well log available?
Malchow 1	NW1/4 SW1/4 Section 16	Water Right No. 1031-2	43.217767	99.375433	75	40	0.089	3	18" Galv steel	N
Malchow 2	NW1/4 SW1/4 Section 16	Water Right No. 1031-2	43.217633	99.374250	69	25	0.056	2	18" Galv steel	N
Malchow 3	NW1/4 SW1/4 Section 16	Water Right No. 1031-2	43.217717	99.373333	65	40	0.089		18" Galv steel	N
Malchow 4	NW1/4 SW1/4 Section 16	Water Permit No. 2404-2	43.217117	99.372500	76	25	0.056		6" PVC	N
Malchow 5	NW1/4 SW1/4 Section 16	Water Permit No. 2404-2	43.217083	99.370400	81	25	0.056		6" PVC	N
Malchow 6	NE1/4 SW1/4 Section 16	Water Permit No. 2404-2	43.217117	99.369267	71	25	0.056		6" PVC	N
Malchow 7	NE1/4 SW1/4 Section 16	Water Right No. 1031-2	43.217633	99.368400	65	30	0.067	1	18" Galv steel	N
Malchow 8	NE1/4 SW1/4 Section 16	Water Permit No. 2404-2	43.217183	99.367383	77	25	0.056		6" PVC	N
Malchow 9	NE1/4 SW1/4 Section 16	Water Permit No. 2404-2	43.216417	99.367733	84	25	0.056		6" PVC	N
Malchow 10	NE1/4 SW1/4 Section 16	Water Permit No. 2404-2	43.216400	99.368867	100	25	0.056		6" PVC	N
Malchow 11	NE1/4 SW1/4 Section 16	unauthorized well within authorized area	43.216333	99.369967		25	0.056		8" PVC	N
Malchow 12	NW1/4 SW1/4 Section 16	Water Right No. 1031-2	43.216500	99.371467		50	0.111	2	10" steel	N
Malchow 13	NW1/4 SW1/4 Section 16	Water Right No. 1031-2	43.216417	99.373667		40	0.089	2	8" steel	N
Malchow 14	NW1/4 SW1/4 Section 16	Water Right No. 1031-2	43.216400	99.374717		45	0.100	2	8" steel	N
Malchow 15	NW1/4 SE1/4 Section 16	unauthorized well outside authorized area	43.216383	99.364050	155	75	0.167		6" plastic	Y
Sattler 1	SW1/4 SE1/4 Section 21	Water Right No. 1668-2	43.201417	99.363300	70	30	0.067	0.75	8" SS	Y
Sattler 2	SW1/4 SE1/4 Section 21	Water Right No. 1668-2	43.201133	99.361567	69	35	0.078	1	8" SS	Y
Sattler 3	SE1/4 SE1/4 Section 21	Water Permit No. 2404-2	43.200417	99.358033	82	35	0.078		6" plastic	Y
Sattler 4	NE1/4 SE1/4 Section 21	Water Permit No. 2404-2	43.203083	99.357367	85	35	0.078		6" plastic	Y



0 0.125 0.25 0.5 Miles



Well Locations



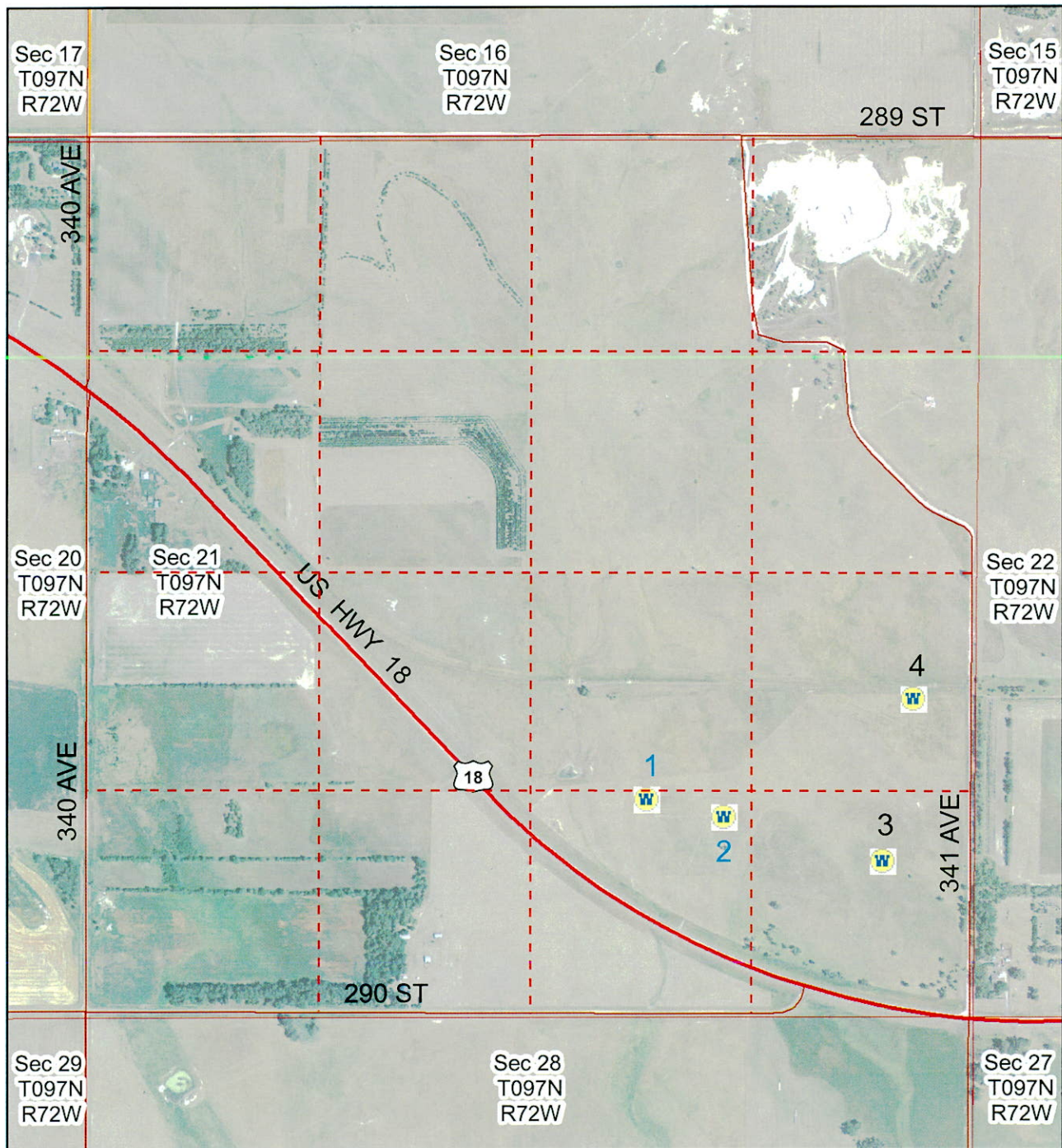
Section Boundaries

FSA -2012

Joseph R Stonesifer
Joseph R Stonesifer
SD DENR Water Rights Program
June 5, 2014



Blue numbered wells are authorized
by Water Right No. 1031-2
Red numbered wells are not authorized



0 0.125 0.25 0.5 Miles

-  Well Locations
-  Section Boundaries
- FSA -2012


Joseph R Stonesifer
SD DENR Water Rights Program
June 5, 2014

Blue numbered wells are authorized
by Water Right No. 1668-2





DEPARTMENT OF ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov



July 25, 2014

Al Cerny, Finance Officer
PO Box 436
Gregory SD 57533

Dear Mr. Cerny:

Thank you for submitting the *Application for a Permit to Appropriate Water* for municipal use from Future Use Permit No. 1622-2. In order to complete the application, the following is required.

- A map needs to be submitted that references a government section corner or quarter corner including section, township and range showing the location of the two proposed wells. For your use, I have enclosed a map with those designations. Please mark the proposed well locations with an "X".
- Future Use Permit No. 1622-2 has 365 acre-feet of water remaining in reserve. This application is requesting a diversion rate of 100 gallons per minute (gpm) or 0.22 cubic feet of water per second (cfs). DENR requests that the city also quantify the amount of water to be diverted annually on a volume basis. Either in total gallons or acre-feet per year (1 acre-foot equals 325,828 gallons).

A general rule of 60% of the pumping rate is used when converting a pump rate to acre-feet. The 0.22 cfs requested on the application would convert to 160 acre-feet. Sixty percent of 160 acre-feet would be approximately 96 acre-feet. Do you concur with this change on the application?

If you have any questions, please contact Eric Gronlund or me.

Sincerely,

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

enclosure

CITY OF GREGORY

Al Cerny
City Administrator/
Finance Officer

Box 436
GREGORY, SOUTH DAKOTA 57533
Phone (605) 835-8270 Fax (605) 835-8422

Maurice Schlaht
Mayor

RECEIVED

AUG 14 2014

WATER RIGHTS
PROGRAM

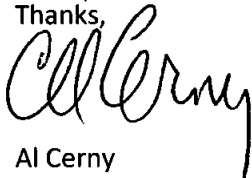
SD Dept. of Environment & Natural Resources
Joe Foss Building
523 East Capitol
Pierre, SD 57501-3182

RE: City of Gregory future use permit #1622-2
Application for two new wells

I have enclosed a map that shows where the two wells are at and I also marked the map that was sent back to me, that I put X's on.

I have no problem changing the pumping rate on the application.

Thanks,



Al Cerny
City Administrator/Finance Officer



**DEPARTMENT OF ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov



**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 2728-2, City of Gregory**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Water Permit Application No. 2728-2, City of Gregory, c/o Al Cerny, PO Box 436, Gregory SD 57533.

The Chief Engineer is recommending APPROVAL of Application No. 2728-2 because 1) the proposed diversion has been developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) it is in the public interest with the following qualifications:

1. The wells approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The city of Gregory shall report to the Chief Engineer annually the amount of water withdrawn from the Ogallala aquifer.

See report on application for additional information.

Jeanne Goodman, Chief Engineer
September 30, 2014

REPORT TO THE CHIEF ENGINEER
ON
WATER PERMIT APPLICATION NO. 2728-2
CITY OF GREGORY
SEPTEMBER 17, 2014

Water Permit Application No. 2728-2 proposes to place to beneficial use 96 acre-feet of water annually that is currently reserved by Future Use Permit No. 1622-2. This application is the result of the findings of an October 15, 2013, inspection made pursuant to SDCL 46-5-30 that identified two wells that had not been authorized by a water permit or right. Consequently, Application No. 2728-2 proposes to authorize the diversion of up to 0.22 cubic feet of water per second (cfs) from two existing wells completed into the Ogallala aquifer located in the NE¼ SW¼, and the NW¼SE¼ Section 16, T97N-R72W.

AQUIFER: Ogallala aquifer (OGLL)

This application does not propose to appropriate any additional water from the Ogallala aquifer. All of the water that will be put to beneficial use has been appropriated with Future Use Permit No. 1622-2.

Future Use Permit No. 1622-2 was filed January 13, 1977, proposing to reserve 1.5 cubic feet of water per second for future use from the Ogallala aquifer. Public notice was given for a January 25, 1978, hearing on the future use permit application before the Water Rights Commission. Petitions opposing the application were received by the City of Burke and four domestic well owners, and at the hearing the Commission deferred action on the permit pending future staff investigation. The Water Rights Commission ultimately approved Future Use Permit No. 1622-2 on May 25, 1979. The future use reservation was qualified to a reservation of 578 acre-feet annually in 1994. Water Permit No. 2404-2 was approved June 15, 1998, to place to beneficial use 213 acre-feet annually water reserved by Future Use Permit No. 1622-2, leaving 365 acre-feet per year reserved. Approval of Water Permit No. 2728-2 will reduce the amount of water remaining reserved by Future Use Permit No. 1622-2 to 269 acre-feet annually.

South Dakota Codified Law (SDCL) 46-5-38.1 requires that: "prior to the time that the holder of a future use permit initiates construction of the works and puts water to beneficial use, he shall file an application for a water permit pursuant to the procedure contained in chapter 46-2A." Pursuant to SDCL 46-2A-9: "A permit to appropriate water may be issued only 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 rights and that the proposed use is a beneficial use and in the public interest."

Since the water that is to be placed to beneficial use has been appropriated through future use permits, the criteria for approval required by SDCL 46-2A-9 have previously been addressed with approval of the future use permits and amendments, except for the consideration of the impact to existing rights.

Water rights/permits in the vicinity of the wells this application proposes to authorize are shown in Figure 1 and Table 1 (Water Rights, 2014b). In addition to appropriative rights, there are a number of domestic wells that appear to be completed into the Ogallala aquifer on file with the DENR-Water Rights Program in this area (Water Rights, 2014c)

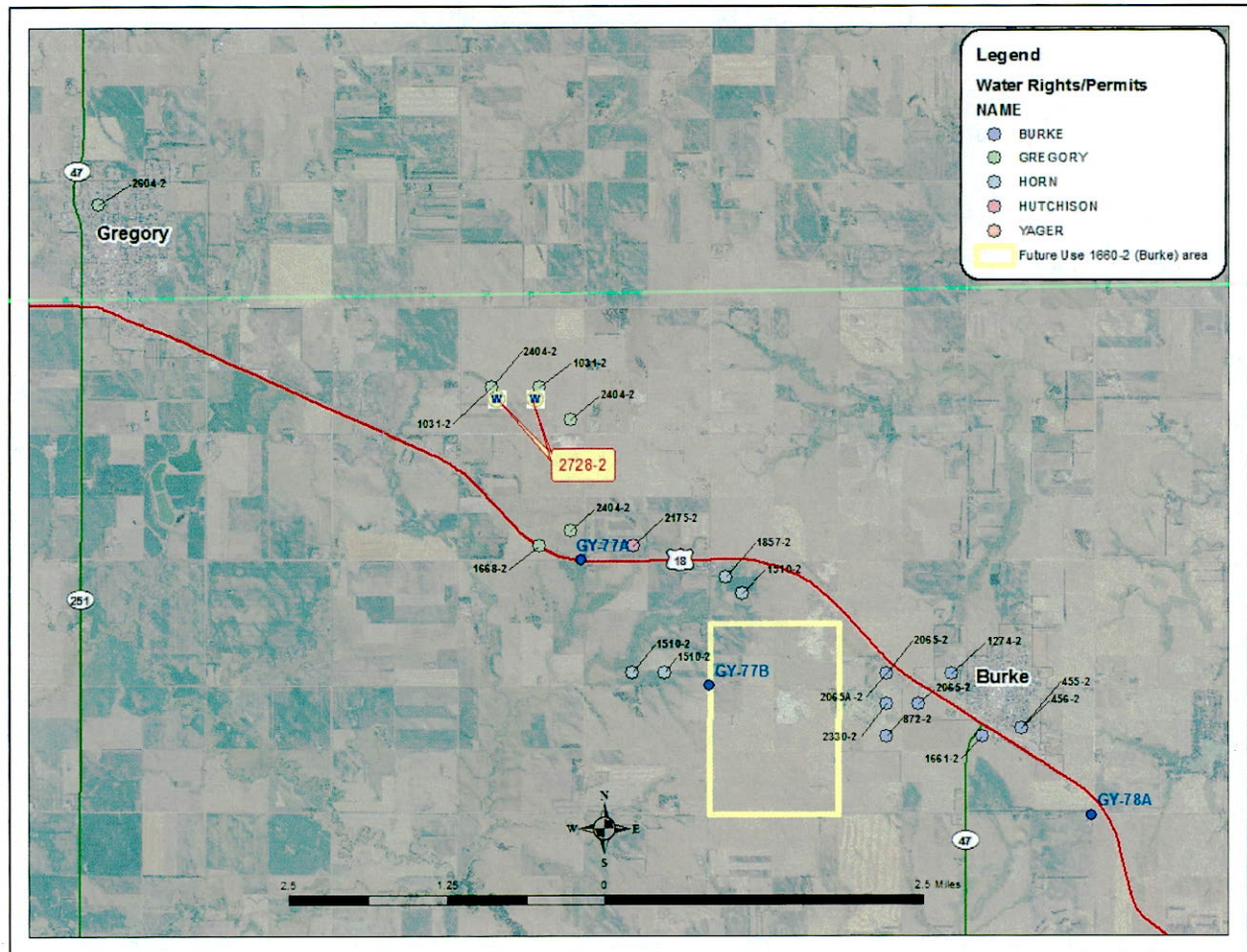


Figure 1. Water rights/permits in the vicinity of the wells to be used by Water Permit No. 2728-2 (if approved).

PERMIT NO	NAME	PRIORITY DATE	STATUS	USE	CFS	ACRES
455-2	CITY OF BURKE	08/01/1936	LC	MUN	0.33	
456-2	CITY OF BURKE	08/01/1952	IL	MUN		
872-2	CITY OF BURKE	04/30/1969	LC	MUN	0.26	
1031-2	CITY OF GREGORY	07/10/1970	LC	MUN	0.6	
2330-2	CITY OF BURKE	07/07/1974	LC	IRR	0.35	55
1274-2	CITY OF BURKE	07/07/1975	IL	MUN		
1660-2	CITY OF BURKE	02/01/1977	FU			
1661-2	CITY OF BURKE	04/07/1977	LC	MUN	0.1	
1668-2	CITY OF GREGORY	04/18/1979	LC	MUN	0.14	
1510-2	CLARK C HORN	05/06/1980	IL	IRR		
1857-2	CLARK C HORN	05/06/1980	LC	IRR	0.17	12.2
2065-2	CITY OF BURKE	12/21/1988	IL	MUN		
2065A-2	CITY OF BURKE	12/21/1988	LC	MUN	0.21	
2175-2	JERRY J HUTCHISON	04/22/1991	LC	IRR	0.11	11
2404-2	CITY OF GREGORY	01/13/1997	PE	MUN	0.58	
2604-2	CITY OF GREGORY	09/15/2006	LC	IRR	0.5	3.5
2625-2	RAYMOND J YAGER	01/31/2008	PE	IRR	0.86	60

Table 1. Water rights/permits in the vicinity of the well

The nearest well supplying a water right/permit that is not held by the City of Gregory is the irrigation well associated with Water Right No. 2175-2, Jerry J. Hutchinson. The well that supplies Water Right No. 2175-2 is located approximately 1.3 miles southeast of the wells this application proposes to use.

Approval of this application is not expected to result in unlawful well interference for four main reasons: 1) the Ogallala aquifer is under unconfined conditions; 2) the diversion rate proposed by this application is relatively small; 3) observation well data documents negligible drawdown from pumping in this area; and 4) the wells this application proposes to use have been in use for a number of years with no reported adverse impacts.

Unconfined Conditions:

The Ogallala aquifer is under unconfined (water table) conditions. Drawdown resulting from pumping will not create significant drawdown far from the production well.

Relatively small diversion rate:

This application proposes a maximum combined diversion rate from two wells of 98.74 gallons per minute (gpm). The annual withdrawal proposed by this application (96 acre-feet/year) provides for a maximum average diversion from the two wells of 59.52 gpm. The 2013 Water Rights' staff inspection identified the maximum pump capacity of well number 11 at 25 gpm and of well number 15 at 75 gpm. Drawdown created by pumping should be contained to the area near the wells and will not be adverse to wells outside the Gregory well field.

Observation well data:

The DENR-Water Rights Program monitors three observation wells in this vicinity (see Figure 1). Hydrographs for the observation wells are shown in Figures 2-4 (Water Rights, 20014a). Observation well GY-77A is located within one half mile of four City of Gregory municipal wells with capacities of 30 gpm, 35 gpm, 35 gpm, and 35 gpm respectively; the well authorized by Water Right No. 2175-2 is capable of 50 gpm. Comparison of Figure 2 with Figures 3 and 4 suggests that interference from the surrounding municipal and irrigation wells may be measurable in the water levels in observation well GY-77A, but only to the extent of one or two feet.

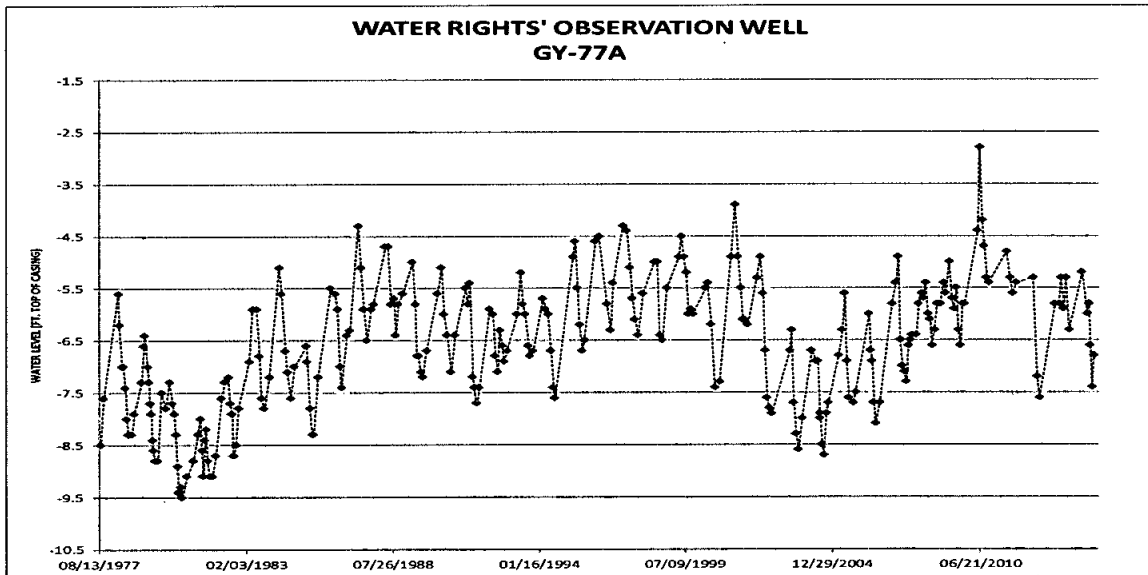


Figure 2. Hydrograph for DENR-Water Rights' Observation Well GY-77A

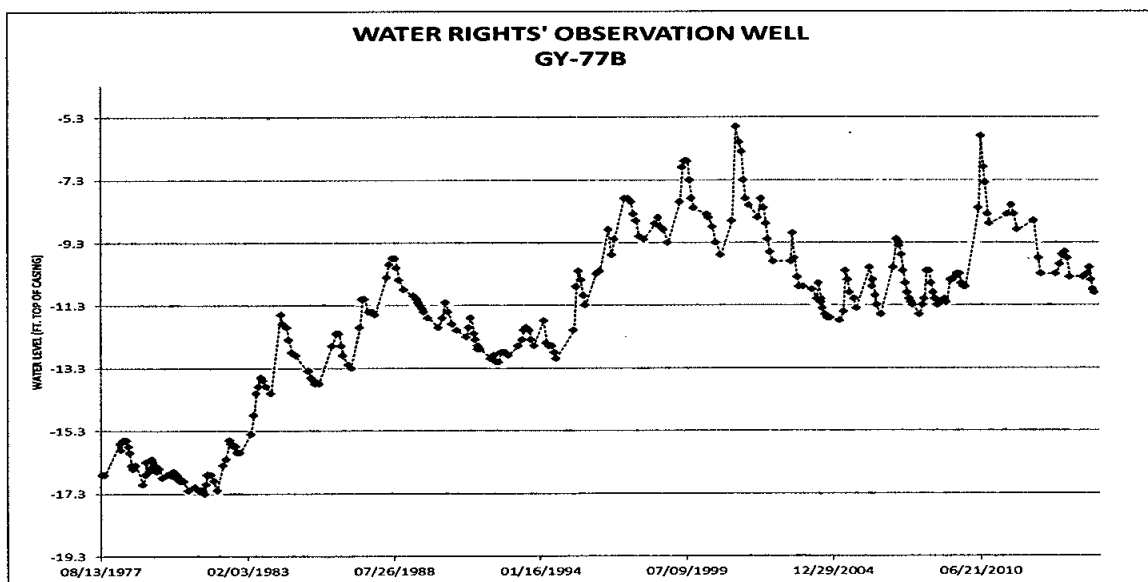


Figure 3. Hydrograph for DENR-Water Rights' Observation Well GY-77B

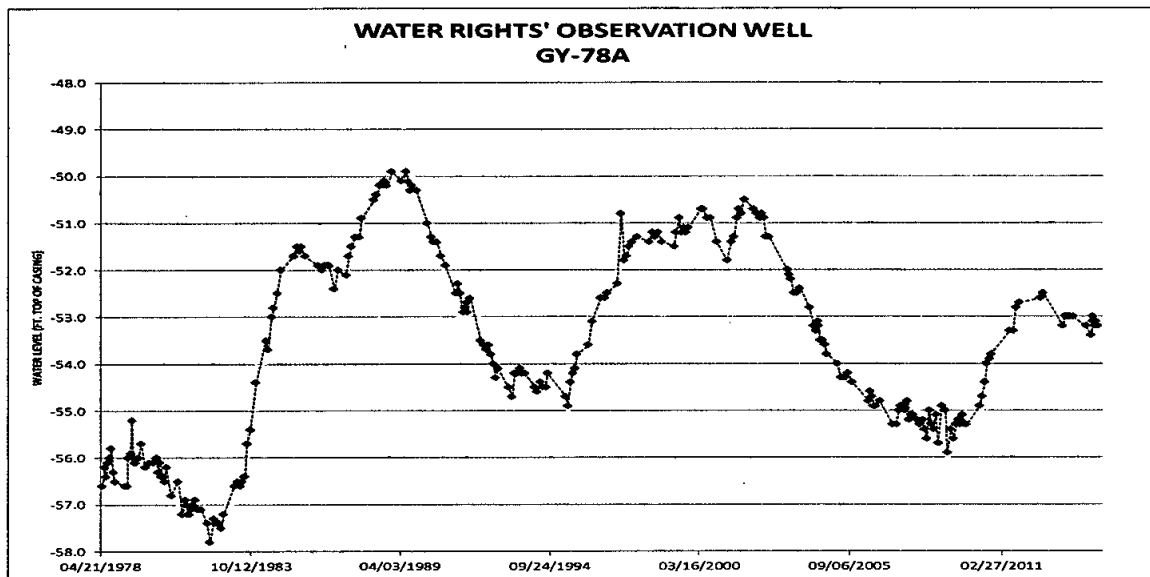


Figure 3. Hydrograph for DENR-Water Rights' Observation Well GY-78A

Existing diversions

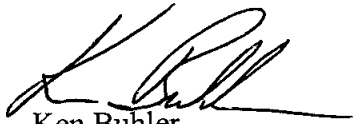
This application is the result of the findings of an October 15, 2013, inspection that identified the two wells this application proposes to authorize for use are already part of the City of Gregory distribution system. Considering an on-site evaluation of the Gregory public water system conducted by the DENR- Drinking Water Program in 2002 indicated the wells this application proposes to authorize were a part of the municipal system at that time (Hill), it is apparent that withdrawals from these wells will not adversely impair existing users.

Well Construction

Well Completion reports are not available for either of the wells this application proposes to authorize for use, and it is not possible to determine if the wells were constructed in accordance with the SD Well Construction Standards.

CONCLUSIONS:

1. This application proposes to place to beneficial use 96 acre-feet of water annually that is currently reserved by Future Use Permit No. 1622-2.
2. This application does not appropriate any additional water from the Ogallala aquifer.
3. The wells this application proposes as diversion points are existing wells that were constructed and have been used since before 2002.
4. The Ogallala aquifer is under unconfined conditions and pumping at these rates will not create significant drawdown.
5. There is a reasonable probability that if this permit is approved existing rights will not be unlawfully impaired.
6. Approval of Application No. 2728-2 will result in the reduction of the amount of water remaining reserved in Future Use Permit No. 1622-2 to 269 acre-feet per year.



Ken Buhler
DENR-Water Rights Program

REFERENCES:

Hill, Tammie. Environmental Scientist II, SD DENR-Drinking Water Program. Personal Correspondence. 17 September 2014

Water Rights. 2014a. Observation Well Files. SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, SD.

Water Rights. 2014b. Water Right/Permit Files. SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, SD.

Water Rights. 2014c. Water Well Completion Report. SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, SD.



DEPARTMENT OF ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov



September 30, 2014

Times-Advocate
PO Box 378
Gregory SD 57533

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 2728-2 to Appropriate Water. Please publish the notice once on October 8, 2014. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352.

The applicant must verify to you that the notice is to be published and arrange for payment. **Please BILL the APPLICANT for the cost of publication.** The APPLICANT is City of Gregory, c/o Al Cerny, PO Box 436, Gregory SD 57533 (Ph # 605-835-8270).

Please send the Water Rights Program an affidavit or the enclosed Proof of Publication form immediately.

The applicant pays the cost of publication, but the Water Rights Program records require an affidavit or Proof of Publication. Delays in receiving the affidavit can be costly to the applicant.

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures



DEPARTMENT OF ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov



September 30, 2014

Daily Republic
PO Box 1288
Mitchell SD 57301

ATTENTION: Legal Public Notice

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Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures



DEPARTMENT OF ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov



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

September 30, 2014

City of Gregory
Al Cerny
PO Box 436
Gregory SD 57533

Dear Mr. Cerny:

Water Permit Application No. 2728-2 for municipal use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice has been sent to the Times-Advocate printed at Gregory SD (Ph # 605-835-8089) and the Daily Republic printed at Mitchell SD (Ph # 605-996-5514). You will need to contact the newspaper(s) and authorize publication of this notice. For your information, a copy of the notice, the recommendation of the Chief Engineer and report on the application are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

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

Sincerely,

Eric Gronlund
Natural Resources Engineer
(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.

Instruction to Newspaper - Publish the Notice on October 8, 2014. The applicant is responsible for payment. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352 or email: Karen.schlaak@state.sd.us.

NOTICE OF APPLICATION NO. 2728-2 to Withdraw from Future Use

Notice is given that the City of Gregory, c/o Al Cerny, PO Box 436, Gregory SD 57533 has filed an application for a water permit to place to beneficial use 0.22 cubic feet of water per second (96 acre-feet annually) from two existing wells completed into the Ogallala Aquifer (155 feet deep) located in the NE 1/4 SW 1/4, NW 1/4 SE 1/4 Section 16-T97N-R72W. This water was appropriated and reserved by future use Permit No. 1622-2 for municipal use by the City of Gregory.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2728-2 because 1) existing rights will not be unlawfully impaired, 2) it is a beneficial use of water, and 3) it is in the public interest. In accordance with SDCL 46-2A-23, the Chief Engineer will act on this application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the Chief Engineer's recommendation. 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.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by October 20, 2014.

The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained. Information concerning this application is available at <http://denr.sd.gov/public>. Contact Eric Gronlund at the above Water Rights Program address to request copies of information pertaining to this application. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

Published once at the total approximate cost of_____.

NOTICE OF
APPLICATION NO.
2728-2 to Withdraw
from Future Use

RECEIVED

OCT 14 2014

WATER RIGHTS
PROGRAM

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Published once at the total approximate cost of \$61.01

AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF DAVISON)

Penny Hohbach of said county, being, first duly sworn, on oath, says; that he/she is the publisher or an employee of the publisher of The Daily Republic, a daily newspaper, published in the City of Mitchell, in said County of Davison, and State of South Dakota; that he/she has full and personal knowledge of the facts herein stated; that said newspaper is a legal newspaper as defined in SDCL 17-2-2.1 through 17-2-2.4 inclusive; that said newspaper has been published within the said County of Davison and State of South Dakota, for at least one year next prior to the first publication of the attached public notice, and that the notice, order or advertisement, a printed copy of which, taken from the paper in which the same was published, and which is hereto attached and made a part of this affidavit, was published in said newspaper for 1 issues(s), to wit:

Wednesday, October 8, 2014

That the full amount of the fee charged for the publication of the attached public notice insures to the sole benefit of the publisher or publishers; that no agreement or understanding for the division thereof has been made with any other person, and that no part thereof has been agreed to be paid to any person whomsoever, that the fees charged for the publication thereof are: \$61.01

Signed: Penny Hohbach

Subscribed and sworn to before me this 10th day of October, 2014.

Deb Townsend

Notary Public
County of Davison

My Commission Expires: 09-21-18

Prepared by: The Daily Republic, P.O. Box 1288, Mitchell S.D. 57301 605-996-5515

DEB TOWNSEND
Notary Public
SEAL
South Dakota

RECEIVED

OCT 09 2014

WATER RIGHTS
PROGRAM

Form 8

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)

County of Gregory) SS

I, Cheryl Speed

certify that the attached printed Notice was
taken

from the Gregory Times-Advocate

printed and published in Gregory

County of Gregory and

state of South Dakota. The notice was
published

in the newspaper on the following date:

October 8, 2014

Cost of Printing \$24.64

Cheryl Speed
(Signature)

Editor
(Title)

10/8/14
(Date Signed)

NOTICE OF APPLICATION
NO. 2728-2 to Withdraw
From Future Use

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(41)

(Published once at the total
approximate cost of \$24.64).

Report Of Examination Of Works And/Or Application Of Water To Beneficial Use

TO: Chief Engineer, Water Rights Program, DENR, Foss Bldg., Pierre, SD 57501

I have this day, **October 15, 2013**, made a thorough examination of the water use system constructed by the **City of Gregory** of **Gregory, SD** holder of Permit No. **2404-2**, bearing the priority of **January 13, 1977** authorizing the diversion of **0.48** cfs of the waters of the **Ogallala aquifer** for **municipal use** purposes, in **Gregory** County.

I have to report on the conditions of the same as follows:

A. Works used to divert the water:

Eight wells are in place with submersible pumps that are capable of producing 0.48 cfs.

B. Works used to transport water to place of use:

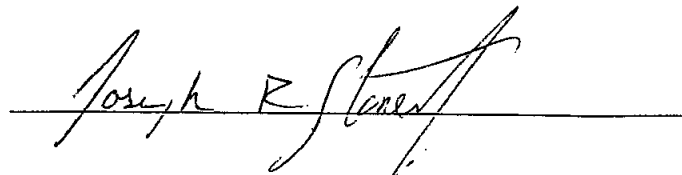
Water is conveyed via 8 in steel pipeline that is primarily underground. The pipeline connects at a clearwell storage tank near the well field. A pump capable of 350 gpm then transports water to a storage tank near the City of Gregory.

C. Works used to apply water to beneficial use:

Municipal distribution system throughout the City of Gregory.The system is in the following condition: **good**. The points of diversion are located as follows:

Well Number	Legal Location	Latitude	Longitude
Malchow 4	NW1/4 SW1/4 Section 16	43.217117	99.372500
Malchow 5	NW1/4 SW1/4 Section 16	43.217083	99.370400
Malchow 6	NE1/4 SW1/4 Section 16	43.217117	99.369267
Malchow 8	NE1/4 SW1/4 Section 16	43.217183	99.367383
Malchow 9	NE1/4 SW1/4 Section 16	43.216417	99.367733
Malchow 10	NE1/4 SW1/4 Section 16	43.216400	99.368867
Sattler 3	SE1/4 SE1/4 Section 21	43.200417	99.358033
Sattler 4	NE1/4 SE1/4 Section 21	43.203083	99.357367

The works are capable of diverting and conveying to the place of use **0.48** cfs of water which is to be used for **municipal** purposes. The license should be issued for **0.48** cfs.

Applicable permit qualifications have been complied with: **Yes**.Date: **May 27, 2014**

Water Rights Program - File Documentation

NAME: City of Gregory

DATE: October 20, 2014

RE: Report of Examination of Works and Application Of Water to Beneficial Use

COMMENTS:

On October 15, 2013, Joe Stonesifer made a thorough examination of the water use system constructed by the City of Gregory regarding Water Permit No. 2404-2 as indicated on his Report of Examination of Works and Application Of Water to Beneficial Use dated May 27, 2014.

During the investigation of Water Permit No. 2404-2, it was found that the city had two additional wells which were not authorized. The City filed Water Permit No. 2728-2 for the two additional wells and the permit was approved October 20, 2014. Below is the pertinent information Mr. Stonesifer obtained regarding those two wells:

Well Number	Legal Location	Latitude	Longitude
Malchow 11	NE1/4 SW1/4 Section 16- T97N-R72W	43.216333	99.369967
Malchow 15	NW1/4 SE1/4 Section 16- T97N-R72W	43.216383	99.364050

The works are capable of diverting and conveying to the place of use 0.22 cubic feet of water per second (**96 acre-feet of water annually**). These two wells are within the area of Future Use Permit No. 1622-2. This would leave 269 acre feet in reserve under Future Use Permit No. 1622-2.

Based on Mr. Stonesifer's report Water Permit Nos. 2404-3 and 2728-2 will be incorporated for a total of 0.70 cubic feet of water per second (309 acre feet annually).



Karen Schlaak
Water Rights Program

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 2728-2

(1) The City of Gregory, PO Box 436, Gregory SD 57533 made Application No. 2728-2, July 25, 2014 for a water permit to divert 0.22 cubic feet of water per second (cfs) (96 acre feet annually) from groundwater (two wells), Gregory County, South Dakota for municipal use purposes. Permit No. 2728-2, with a priority date of January 13, 1977 (established by Future Use Permit No. 1622-2) was approved October 20, 2014.

Permit No. 2404-2, with a priority date of January 13, 1977 (established by Future Use Permit No. 1622-2) authorized 0.48 cfs (213 acre feet annually) from groundwater (eight wells) for municipal use purposes. No. 2404-2 also authorized a new well to be located in the SE 1/4 SE 1/4 Section 16-T97N-R72W. The new well, with a priority date of March 17, 1998 for 43 acre feet annually was not constructed.

The applicable portions of Nos. 2404-2 are incorporated into No. 2728-3.

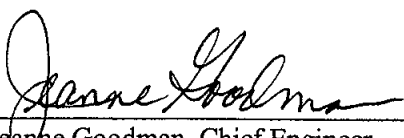
(2) The water supply system has been completed and water applied to beneficial use in accordance with South Dakota State Law. Pursuant to South Dakota Codified Law 46-5-30.1, the holder and/or owner of Incorporated Water Right No. 2728-2 is issued a license, bearing a priority date of January 13, 1977 (established by Future Use Permit No. 1622-2) to appropriate 0.70 cubic feet of water per second (309 acre feet annually) from groundwater (10 wells) for municipal use purposes.

The diversion points are located as follows: all in T97N-R72W.

Well Number	Legal Location	Latitude	Longitude
Malchow 4	NW1/4 SW1/4 Section 16	43.217117	99.372500
Malchow 5	NW1/4 SW1/4 Section 16	43.217083	99.370400
Malchow 6	NE1/4 SW1/4 Section 16	43.217117	99.369267
Malchow 8	NE1/4 SW1/4 Section 16	43.217183	99.367383
Malchow 9	NE1/4 SW1/4 Section 16	43.216417	99.367733
Malchow 10	NE1/4 SW1/4 Section 16	43.216400	99.368867
Malchow 11	NE 1/4 SW 1/4 Section 16	43.216333	99.369967
Malchow 15	NW 1/4 SE 1/4 Section 16	43.216383	99.364050
Sattler 3	SE1/4 SE1/4 Section 21	43.200417	99.358033
Sattler 4	NE1/4 SE1/4 Section 21	43.203083	99.357367

(3) This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Permit No. 2728-2 including the following now applicable qualifications:

- The wells approved under this water permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
- The city of Gregory shall report to the Chief Engineer annually the amount of water withdrawn from the Ogallala aquifer.



Jeanne Goodman, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

OCT 28 2014

date





DEPARTMENT OF ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov



2728-2
2404-2

OCT 28 2014

City of Gregory
Al Cerny, Finance Officer
PO Box 436
Gregory SD 57533

Dear Mr. Cerny:

Enclosed are Water Permit and Water License No. 2728-2. The water license is the final document completing the city's process of obtaining a Water Right. Also, included with the license is a map prepared by the staff engineer who conducted the investigation.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the wells authorized by Water Right No. 2728-2, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

As long as the city uses the water beneficially, as stated in the Water License, the State Water Laws provide a continuing right to use the water. If you have any questions, please contact our office.

Sincerely,

Jeanne Goodman, Chief Engineer
Water Rights Program
(605) 773-3352

Note: The applicable portions of No. 2404-2 are incorporated into Water License No. 2728-2.