

WATER PERMIT NO. 2754-2

Name of Applicant: Steve Simunek

Address: 27851 S Buffalo Gap Rd, Oral SD 57766 Phone: 605 890-4162

Amount of Water Claimed: 0.1 cfs Total Acres: NA

Source of Water Supply: existing well

Water to be used for: commercial County: Fall River

Type of Waste Disposal System:

Location: 6 miles southeast of Hot Springs

PRIORITY Date Received: 5-31-16 Application/License Fee: \$ 300

Corrected Application Received: 6-17-16 Period of Annual Use: January 1 – December 31

Remarks: Same well and pond authorized by Water Right No. 2568-2

Diversion Point: W 1/2 NE 1/4 Sec 16-T8W-R6E

Location of wash plant: NW 1/4 NE 1/4 Sec 16 and
SW 1/4 SE 1/4 Sec 9; all in T8S-R6E

Depth of Well: 963

Well Driller: Dakota Bice LLC

Remarks:

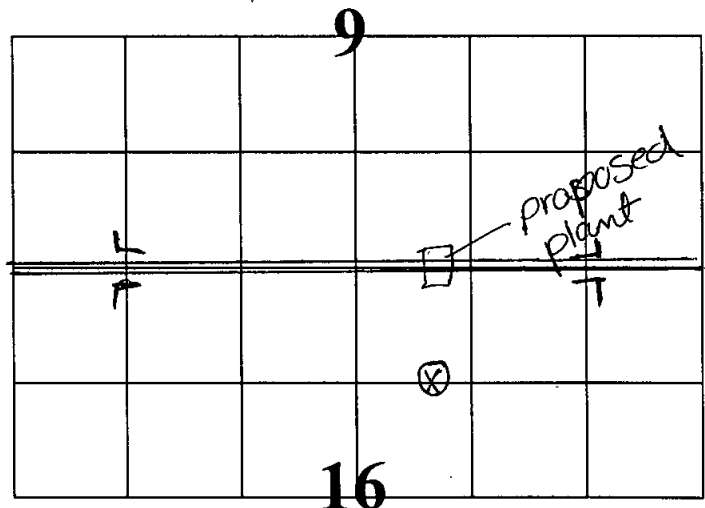
Type of Map: aerial

Prepared by:

Reviewed and the Number Assigned on: 6-17-16

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____



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Mail to: DENR - Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. <u>2754-2</u>	(office use only) Hydrologic Unit <u>10120109</u>
	Basin <u>Upper Cheyenne</u>	
	Newspaper <u>Hot Springs Star</u>	<u>605-745-4170</u>
	<u>Rapid City Journal</u>	<u>605-394-9300</u>

Application For Permit To Appropriate Water Within The State Of 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.)

use - up to 45 gpm. Same well as authorized under No. 2568-2.

1. Name to Appear on Water Permit Steve Simunek
 Mailing Address 27851 S. Buffalo Gap RD Oral SD 57766
(Address) (City) (State) (Zip Code)
 Phone 605-890-4162 Mobile 605-890-4162 Email CSimunek@hotmail.com

2. Amount of water claimed 0.1 *CFS or 45 **GPM and 27 ***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)

3. Source of water supply well

4. Location of point of diversion W 1/2 NE 1/4 Sec 16 8S 6E County Fall River
(example - 3 wells in SW 1/4 NE 1/4 section 12-T104N-R53W)

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

If "Yes," where will water be used? NW 1/4 NE 1/4 Sec 16 & SW 1/4 SE 1/4 Sec 9-T8S-R6E
(example - NW 1/4 section 12-T104N-R53W)

5. County or counties where water will be used Fall River

6. Annual period during which water is to be used year round Jan 1 - Dec 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)

future plans for sand wash plant, will use well to fill storage pond for circulation. This will be located on Clearwater Tract currently used to fill existing lake for wildlife + fish also for lawn irrigation of lots

X I, Steve Simunek Owner, the applicant, certify under
Name of Person Title (if applicable)

penalty of perjury that I have read this application, examined the attached map, and that the matters stated are true. I further certify, if acting on behalf of an entity or individual other than myself, that I am authorized to submit this application.

SOUTH DAKOTA
WATER PERMIT NO. 2754-2

Date of first receipt of application May 31, 2016.

Date of return to applicant for corrections, amendments or changes May 31, 2016.

Date of receipt of corrected application June 10, 2016.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 2754-2 to Steve Simunek, 27851 S Buffalo Gap Rd, Oral SD 57766 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. 2754-2 appropriates an additional 0.1 cubic feet of water per second (cfs) from one well authorized by Water Right No. 2568-2. Water Right No. 2568-2 authorizes 0.056 cfs from one well completed into the Inyan Kara Aquifer (963 feet deep) used to maintain the water level in a 7 acre-feet storage dugout and lawn irrigation all located in the NE 1/4 and E 1/2 NW 1/4 Section 16-T8S-R6E. This permit appropriates an additional 0.1 cfs from the well for the existing use and to maintain an additional storage pond (less than 1.0 acre-foot storage capacity) for use at a sand wash plant to be located in the NW 1/4 NE 1/4 Section 16 and SW 1/4 SE 1/4 Section 9; all in T8S-R6E. Water Right No. 2568-2 and Water Permit No. 2754-2, combined can use up to 27 acre-feet of water annually.
2. The water appropriated shall be used for the purpose of commercial use and may not exceed the amount of water needed for beneficial use.
3. The water is to be used during the following described annual period: January 1 – December 31.
4. The date of approval of Permit No. 2754-2 is September 26, 2016.
5. The date from which applicant may claim right is May 31, 2016 (additional 0.1 cfs).
6. One-fifth of the construction is to be completed on or before March 26, 2019.
7. All construction is to be completed on or before September 26, 2021.
8. Water is to be put to beneficial use on or before September 26, 2025.
9. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

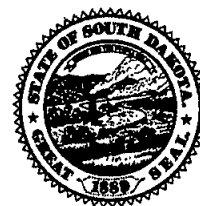
QUALIFICATIONS

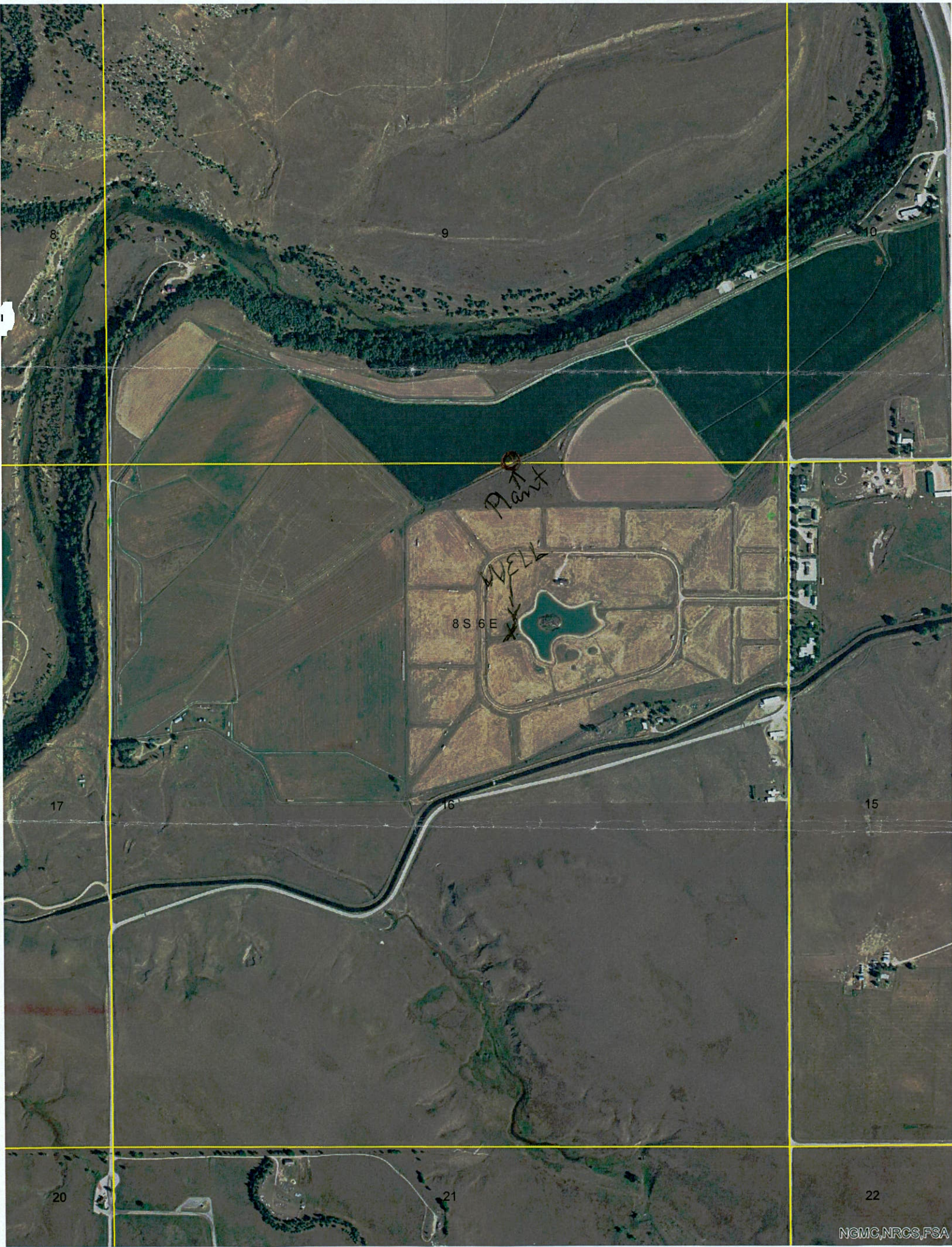
1. The well approved under Water Right No. 2568-2 and Water Permit No. 2754-2 will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The Permit holder shall report to the Chief Engineer annually the amount of water withdrawn from the Inyan Kara aquifer.
3. Water Right No. 2568-2 and Water Permit No. 2754-2 authorize a total annual diversion of 27 acre feet of water.

WATER MANAGEMENT BOARD

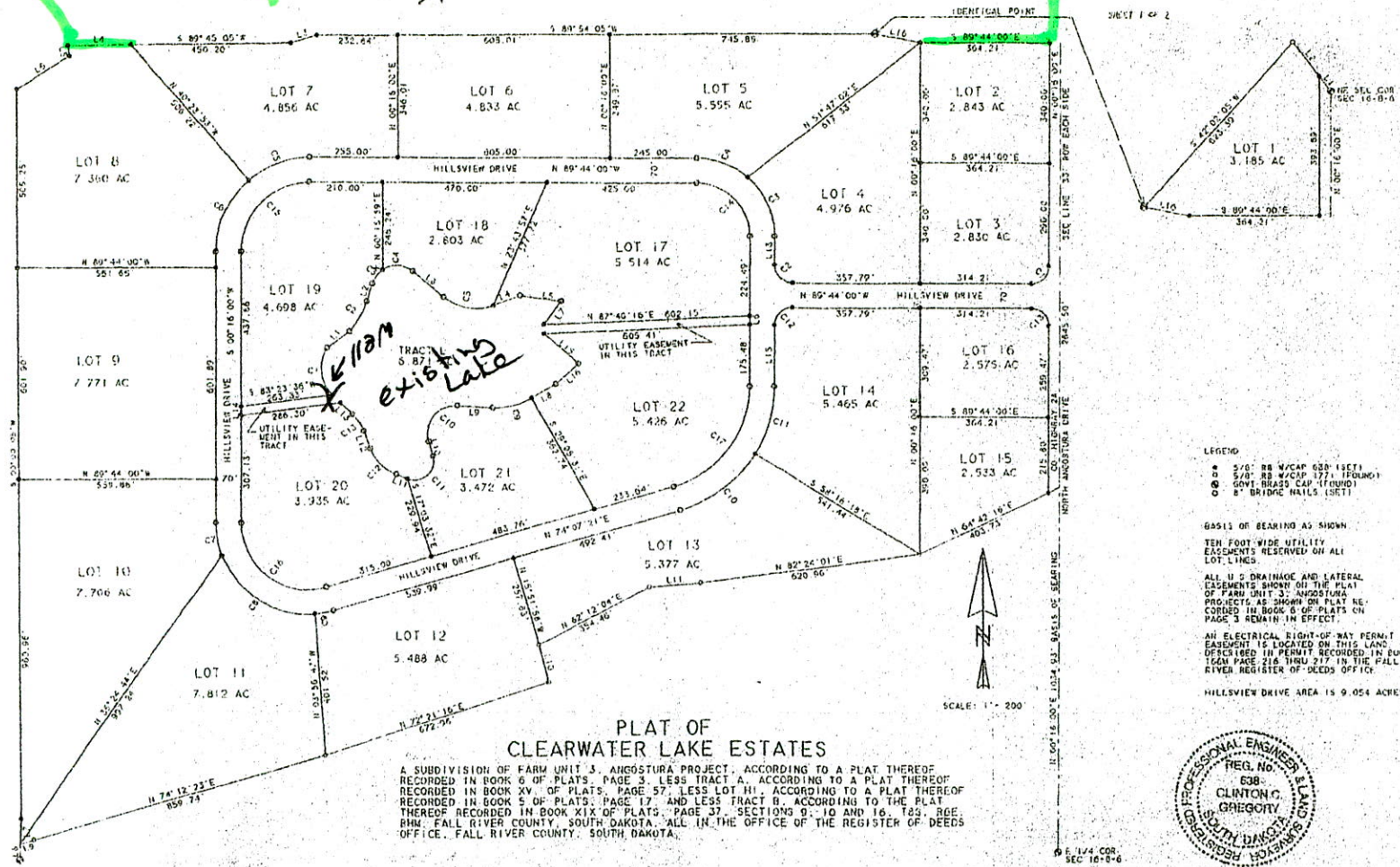
By: Jeanne Goodman
Jeanne Goodman, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

OCT 07 2016
date





Clearwater
Tract



Prepared by
Gregory Engineering
327 Dakota Street
Hot Springs, SD 57747
(605) 746-3327

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NOTE: TRACT CLEARWATER
CONTAINS 47-76.85 ACRES
OF TRACT C OF FARM UNIT 2

NOTE: FOR A PLAT OF
CLEARWATER LAKE
ESTATES SEE BOOK XXII OF
PLATS ON PAGE 96A.

NOTE: FOR A PLAT OF
TRACT "C" OF FARM UNIT #2
SEE BOOK XIII OF PLATS ON
PAGE 35.

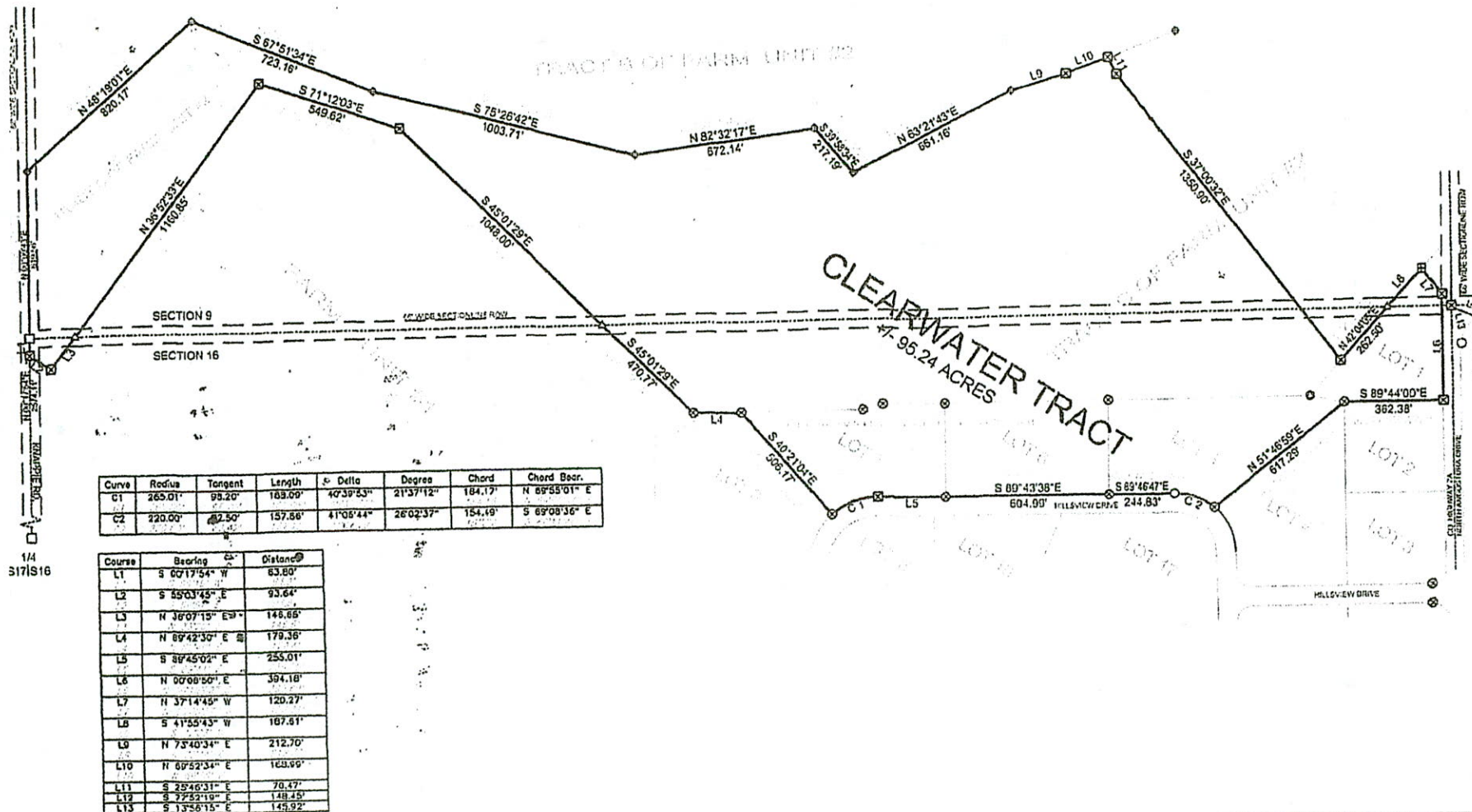
NOTE: FOR A PLAT OF FARM
UNIT 3 SEE BOOK 8 OF
PLATS ON PAGE 3

NOTE: ALL U.S. DRAINAGE AND LATERAL
EASEMENTS SHOWN ON THE PLAT OF
FARM UNIT 3. ANGOSTURA PROJECTS AS
SHOWN ON PLAT RECORDED IN BOOK 6 OF
PLATS ON PAGE 3 REMAIN IN EFFECT.

NOTE: AN ELECTRICAL RIGHT-OF-WAY
PERMIT EASEMENT IS LOCATED ON THIS
LAND DESCRIBED IN PERMITS RECORDED
IN BOOK 166M PAGE 216 THRU 217 AND
164M PAGE 62 THRU 63.

NOTE: EXISTING UTILITY EASEMENTS ON
INTERIOR AND REAR LOT LINES OF
FORMER LOTS 5, 6, & 7 OF CLEARWATER
LAKE ESTATES ARE VACATED WITH THIS
PLAT

NOTE: A UTILITY EASEMENT EXISTS ON
FRONT LOT LINES OF FORMER LOTS 5, 6, &
7 OF CLEARWATER LAKE ESTATES.



RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 6/10, 20 16

RECEIVED OF Quality Real estate 27851 S Buffalo Gap Rd Oral SD 57766

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	100	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. _____	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	300 00

No. **07854**

By *J. Anne Hansen*
Chief Engineer



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

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May 31, 2016

Steve Simunek
27851 S Buffalo Gap
Oral SD 57766

Dear Mr. Simunek:

Thank you for submitting the *Application for a Permit to Appropriate Water* located in Fall River County.

- The application is being returned because your signature is required at the bottom of the application.
- The application/license filing fee will be \$300.00.
- On the application, the uses of water marked are Domestic, Water Distribution System, Commercial and Fish & Wildlife. Water Permit No. 2568-2 covers Domestic and Fish & Wildlife. Your application states future plans for sand wash plant which is considered commercial use. Since Water Distribution System is marked, is it your intent to supply water to multiple homes also? *No, rural water system is available for homes.*

If you have any questions, please contact me.

Sincerely,

Karen Schlaak

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

enclosure



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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JUN 17 2016

**WATER RIGHTS
PROGRAM**

June 10, 2016

Steve Simunek
27851 S Buffalo Gap
Oral SD 57766

Dear Mr. Simunek:

We received the additional information requested. There is one more question. Where is the proposed sand wash plant going to be located? I have returned the map. Please outline the location of the plant.

Enclosed is a postage prepaid envelope for your use.

If you have any questions, please contact me.

Sincerely,

Karen Schlaak

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

enclosure

Application No. 2754-2

Water Rights Program - DENR
Conversation File Documentation

NAME OF PERSON OR FILE: Application No. 2754-2, Simunek

ADDRESS: COUNTY: Fall River County

DATE: June 17, 2016 TELEPHONE: 605 890-4162

RE: storage pond for sand washing plant

I contacted Mr. Simunek regarding the storage pond intended for the wash plant. He stated it would be 100' by 100' at a maximum depth of 5 feet. Based on this the storage capacity will be less than 1.0 acre feet of water. Mr. Simunek indicated the pond will be next to the plant location represented on the submitted map.

NAME: Eric Simunek

Application No. 2754-2

Water Rights Program - DENR Conversation File Documentation

NAME OF PERSON OR FILE: Application No. 2754-2, Simunek

ADDRESS: COUNTY: Fall River County

DATE: August 11, 2016 TELEPHONE: 605 890-4162

RE: annual volume

I contacted Mr. Simunek regarding the annual volume of water to be used under both Water Permit No. 2754-2 and Water Right No. 2568-2. Mr. Simunek indicated that is hard to estimate but figured the well will be used for both purposes at most eight hours a day for five days a week.

Calculating that equates to 26.8 acre feet of water use annually. This estimate is likely on the high side. I told him we'd round that number to 27 acre feet of water annually and the combined the two water right would be limited to this volume. Mr. Simunek was agreeable to this volume quantification.

NAME: Eric Simunek



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 2754-2, Steve Simunek**

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. 2754-2, Steve Simunek, 27851 S Buffalo Road, Oral SD 57766.

The Chief Engineer is recommending APPROVAL of Application No. 2754-2 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) it is in the public interest with the following qualifications:

1. The well approved under Water Right No. 2568-2 and Water Permit No. 2754-2 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 Permit holder shall report to the Chief Engineer annually the amount of water withdrawn from the Inyan Kara aquifer.
3. Water Right No. 2568-2 and Water Permit No. 2754-2 authorize a total annual diversion of 27 acre feet of water.

See report on application for additional information.

Jeanne Goodman, Chief Engineer
August 11, 2016

**REPORT TO THE CHIEF ENGINEER
ON
WATER PERMIT APPLICATION NO. 2754-2
STEVE SIMUNEK
JULY 26, 2016**

Water Permit Application No. 2754-2 proposes to appropriate water from the Inyan Kara aquifer at a diversion rate of 0.1 cubic feet of water per second (cfs). This application proposes to use an existing well, 963 feet deep, located in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 16, T8S-R6E. The well this application proposes as a water source was authorized by Water Right No. 2586-2, and constructed June 22, 2006. Water Right No. 2568-2 authorizes diversions from one well completed into the Inyan Kara aquifer, at a maximum rate of 0.056 cfs, to maintain the water level in a seven acre-feet storage dugout and for lawn irrigation. The dugout and irrigated acreage are located in the NE $\frac{1}{4}$ and E $\frac{1}{2}$ NW $\frac{1}{4}$ Sec. 16, T8S-R6E. Water Permit Application No. 2754-2 proposes a permit authorizing an additional diversion rate from the well of 0.1 cfs. If Water Permit No. 2754-2 is approved, diversions authorized by the permit in addition to diversions authorized by Water Right No. 2586-2 (0.156 cfs total) will be used to maintain the water level in the existing dugout, lawn watering and to maintain the water level in an additional storage pond (less than 1.0 acre foot storage capacity) for commercial use at a sand wash plant to be located in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 16, T8S-R6E and the SW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 9, T8S-R6E.

AQUIFER: INYAN KARA (INKR)

GEOLOGY AND AQUIFER CHARACTERISTICS:

The Inyan Kara aquifer is composed of the portions of the Lower Cretaceous age Inyan Kara group that contain sufficient saturated permeable material to yield quantities of groundwater to wells. The Inyan Kara group was deposited in shallow waters along the eastern shore of the Skull Creek Sea (Merewether, 1975) and in general, consists of a sequence of interbedded sandstones, siltstones, and mudstones of fluvial, lacustrine, marginal marine, marine offshore and possibly eolian origin (Waage, 1959). The Inyan Kara aquifer occurs at a regional scale, extending into Wyoming, North Dakota and Nebraska as well as a major portion of South Dakota. The Inyan Kara underlies over 36,000 square miles and contains over 324 million acre-feet of recoverable water in storage in western South Dakota alone (Allen and others, 1985). Although the Inyan Kara is areally extensive, only a portion of the water it contains is fresh. More than one-half of the water in the Inyan Kara is moderately saline, and the water is saline to brine in parts (Driscoll and others, 2002).

The Inyan Kara group, which is estimated to be 570 feet thick in this area (Connor, 1963), is made up of two geologic formations: the Fall River formation and the underlying Lakota formation. In this area, (i.e. Angostura Reservoir quadrangle), the Fall River formation consists of a lower unit of interbedded sandstone and siltstone; a middle unit of large discontinuous sandstones; and the upper part of the formation consists of interbedded sandstone and mudstone. In the Angostura Reservoir quadrangle, the Lakota formation is subdivided into three members which are, in ascending order: the Chilson member, consisting mainly of sandstone and silty claystone; the Minnewaste limestone member; and the Fuson member composed mainly of siltstone and claystone (Connor, 1963).

Although it is possible that the Fuson member of the Lakota formation is an aquitard in areas, on a regional scale the degree to which the Fall River and Lakota formations are hydraulically connected or separated is unclear and the two formations are typically considered parts of a single Inyan Kara aquifer (e.g. Driscoll and others, 2002; Galloway, 1999; and Strobel, and others, 2000). For the purpose of appropriations, the DENR-Water Rights Program and the Water Management Board consider the Inyan Kara a single aquifer.

The Inyan Kara Group outcrops along the Cheyenne River, approximately one-half mile west of the well proposed to be used by this application (Connor, 1963). The SD Water Well Completion Report on file for this existing well suggests the top of the Inyan Kara group is 480 feet below grade. The aquifer is under confined conditions at this well location with a static water level on June 22, 2006, reported to be at ground surface (approximately 3150 feet above mean sea level elevation (fmsl)).

SOUTH DAKOTA CODIFIED LAW (SDCL) 46-2A-9

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.

WATER AVAILABILITY:

If Water Permit No. 2754-2 is approved, the annual diversion rate that would be authorized through Water Permit No. 2754-2 and Water Right No. 2568-2, combined, would be limited to 27 acre-feet per year. For the purpose of evaluating the availability of unappropriated water under a worst case scenario, the annual withdrawal rate from the Inyan Kara aquifer for Water Permit No. 2754-2 will be considered 27 acre-feet per year. The probability of unappropriated water available for appropriation can be evaluated by considering SDCL 46-6-3.1 which requires that:

“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 water to the groundwater source.”

If the source of the water is older or lower than the Greenhorn formation and a water distribution system has applied for a permit, the Board need not consider the recharge/withdrawal issue. In the case of Application No. 2754-2, although the Inyan Kara aquifer is older or lower than the Greenhorn formation, a water distribution system is not involved, therefore recharge versus withdrawals must be considered.

Water Balance:

Recharge:

Recharge to the Inyan Kara aquifer is primarily through infiltration of precipitation at the outcrop, and the aquifer also appears to be receiving water from the underlying Paleozoic aquifers in central South Dakota (Schoon, 1971; Gott and others, 1974; Lobmeyer, 1985). An average annual recharge rate has not been quantified for the Inyan Kara aquifer. However, annual recharge to the portion of the Inyan Kara aquifer that outcrops in South Dakota alone,

from the precipitation component only, was estimated for 1950-1998 to be 11,600 acre-feet per year (Driscoll and Carter, 2001).

Withdrawals:

There are a total of 183 water rights/permits appropriating water from the Inyan Kara aquifer in South Dakota (Water Rights 2016b). In addition, Future Use Permit No. 1780-2, Town of New Underwood, reserves 142 ac-ft/yr from the Inyan Kara aquifer for future use. The estimated average annual withdrawal of appropriations is less than 11,000 ac-ft/yr (Buhler, 2012). This estimate was based on: 1) annual water use reported in the public water system survey for municipal, suburban housing development and rural water system appropriations where applicable; 2) calculated annual use based on permitted animals and rates of 20 gallons per day for beef cattle, 5 gallons per day for swine, 15 gallons per 100 turkeys per day, and 9 gallons per 100 chickens per day for large confinement operations permitted by DENR; 3) irrigation questionnaire reporting for irrigation permits when available; 4) the water use reported for non-irrigation appropriations that are required to report; 5) assuming unreported water rights/permits limited to an annual volume will be used to the maximum and water rights/permits limited by diversion rate will be used 60% of continuous pumping at the maximum diversion rate for their annual use period.

The estimated average annual withdrawal from the Inyan Kara (<11,000 ac-ft/yr) is less than the precipitation recharge component alone for the aquifer (11,600 ac-ft/yr). Therefore, there is a reasonable probability that there is 27 ac-ft/yr of unappropriated water available annually to supply this proposed appropriation. The quantities of both the average annual recharge and the average annual use for the Inyan Kara aquifer are both small percentages of the amount of water stored in the Inyan Kara aquifer so the aquifer can actually withstand several years of drought conditions with only minimal impact to wells.

The simple water budget comparing the estimated average annual recharge and the potential withdrawal by existing wells and current appropriations is not intended to suggest that all of the water that is in storage in the Inyan Kara aquifer or that all of the recharge to the aquifer is available for this appropriation, merely to demonstrate that in general the Inyan Kara aquifer is an immense resource that is relatively untapped.

Localized Hydrologic Budget:

A subarea for the Inyan Kara aquifer including the well site proposed by Water Permit Application No. 2754-2 and wells approximately down gradient of it was established to assess the aquifer on a more localized scale. The northern extend of the subarea was identified based on the Fall River completely incising the Inyan Kara group throughout nearly the entire section approximately three miles north of the well site proposed by Application No. 2754-2 (Wolcott, 1967). The south/west boundary of the subarea was assumed on the basis of hypothetical flowpaths that were constructed roughly orthogonal to mapped hydraulic heads from Strobel and others, (2000) for the aquifer. The subarea boundaries were selected with the intent of minimizing groundwater flow to and from adjacent subareas. The subarea is shown in Figure 1.

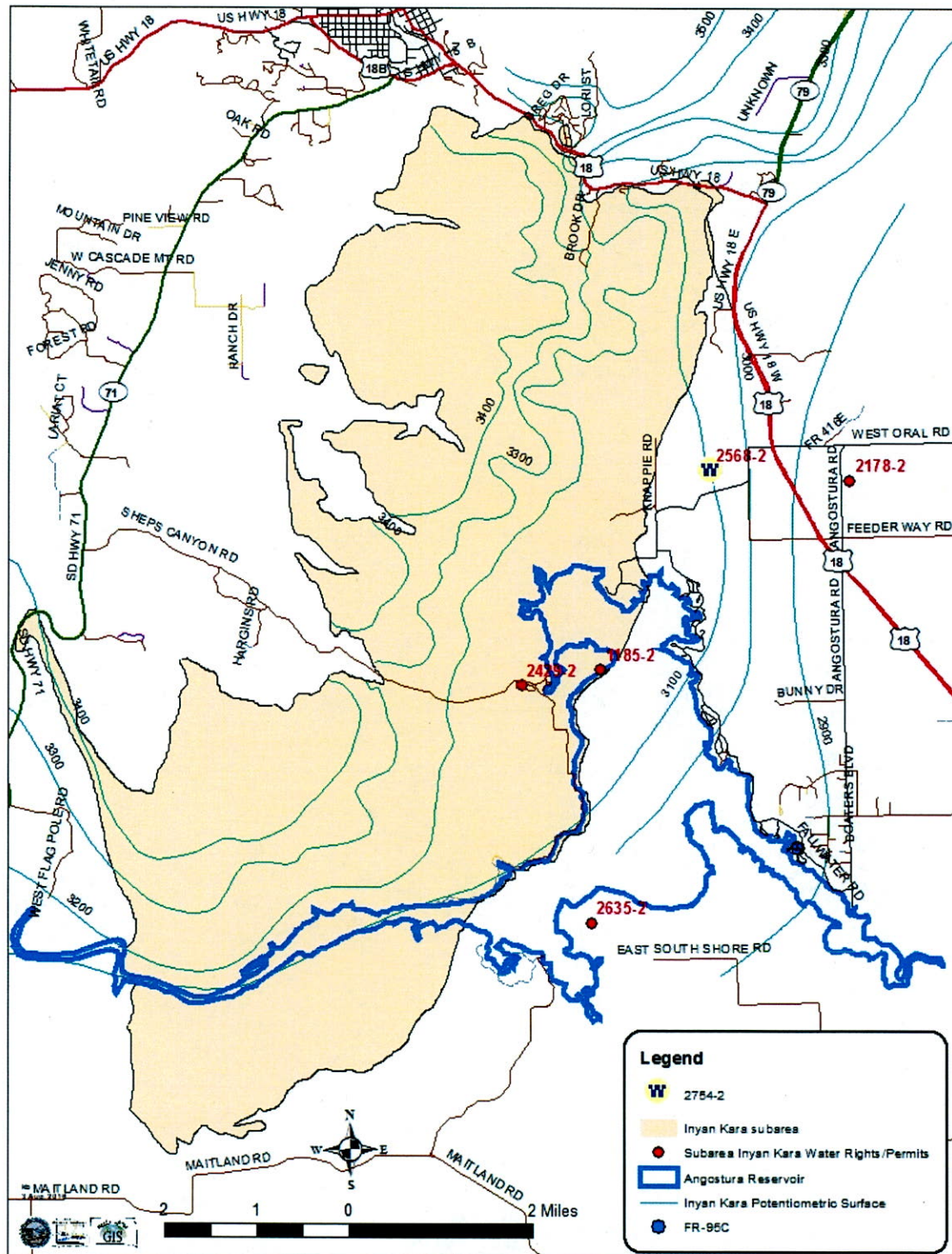


Figure 1. Map showing: (a) Inyan Kara aquifer subarea assumed the source for this proposed appropriation (modified from Strobel and others, 1999); (b) Water Rights/Permits appropriating water downgradient of the subarea (Water Rights, 2016b); (c) location of Angostura Reservoir; (d) Potentiometric contour of the Inyan Kara (modified from Strobel and others, 2000); (e) SD DENR-Water Rights' observation well FR-95C (Water Rights, 2016a)

Table 1. Water rights downgradient of the Inyan Kara subarea that would supply Water Permit No. 2754-2, if approved (Water Rights, 2016b).

PERMIT NO	NAME	PRIORITY DATE	STATUS	USE	CFS
1185-2	ANGOSTURA WATER ASSOCIATION	06/17/1974	LC	SHD	0.09
2178-2	FALL RIVER FEED YARD LLC	05/14/1991	LC	COM/LCO	0.62
2429-2	SHEPS CANYON COVE LLP	09/09/1999	LC	SHD	0.089
2568-2	QUALITY REAL ESTATE INC	09/13/2005	LC	FWP/DOM	0.056
2635-2	SD LAKE LLC	07/17/2008	LC	SHD/DOM	0.1
LC= Water Right, SHD= Suburban Housing Development, COM= Commercial, LCO= Large Confinement Operation, FWP= Fish and Wildlife Propagation, DOM= Domestic					

Assuming Water Right Nos. 1185-2, 2429-2, 2568-2, and 2635-2 will divert at 60% of continuous pumping, water use under the water rights is expected to be less than 145 acre-feet annually. Water Right No. 2178-2 authorizes diversions at a large confinement operation permitted by DENR-Feedlot Permits Program for 25,000 cattle (N. Konda, personal communication, July 27, 2016). Assuming 20 gallons per head per day, and the feedlot is continuously at maximum capacity, expected water use under Water Right No. 2178-2 would be 560 acre-feet annually. The cumulative water usage under current Inyan Kara aquifer appropriations supplied by the subarea described above is expected to be less than 705 acre-feet annually. If Water Permit No. 2754-2 is approved, water usage is expected to be approximately 43.4 acre-feet annually. Therefore, if Water Permit No. 2754-2 is approved, the total water usage from this subarea of the Inyan Kara aquifer would be less than 750 acre-feet annually.

Precipitation recharge to the Inyan Kara aquifer in this subarea can be estimated using the yield-efficiency algorithm developed by Driscoll and Carter (2001). The average annual precipitation for this area, for water years 1961-1990, was approximately 16 inches per year (Driscoll and others, 2000). Carter and others (2001) estimate that approximately 1.75 percent of annual precipitation on the Madison aquifer outcrop recharges the aquifer. Recharge to the Inyan Kara aquifer is prescribed by multiplying the total yield for the Madison aquifer by a recharge factor for the Inyan Kara. The recharge factor for the Inyan Kara aquifer is reported to be 0.80 (Driscoll and Carter, 2001). Therefore the average annual precipitation recharge to the Inyan Kara aquifer is estimated to be approximately 0.224 inches per acre per year. The Inyan Kara outcrops over approximately 24,330 acres of this subarea (see Figure 1.). With an estimated recharge rate of 0.224 inches per acre per year applied to 24,330 acres, an average annual precipitation recharge rate to this subarea is approximately 454 acre-feet annually.

“Uncertainties associated with estimates of precipitation recharge result from: (1) the methods used and associated assumptions, which may be large and cannot be quantified...; and (2) measurement of precipitation. Large uncertainties are associated with the approach that is used for generically estimating annual basin yield and yield efficiency, along with the assumption that yield efficiency is a reasonable surrogate for estimating recharge rates for the Madison and Minnelusa aquifers” (Carter and others, 2001). “Most of the uncertainties cannot be accurately evaluated because of unknowns associated with the variables involved and the broad assumptions necessary in estimating recharge” (Carter and others, 2001).

Because of the uncertainties inherent to it, the precipitation recharge estimate for this subarea should not be considered an absolute value. Although well withdrawal estimates exceed precipitation recharge estimates, when considering the uncertainties associated with both estimates, the values are comparable. As will be discussed later in this report, the observation well data does not support an assertion that well withdrawals from this subarea exceed recharge to the subarea. Examination of geologic maps for the area indicates that the northwest bay of Angostura Reservoir overlies outcrops of the Inyan Kara aquifer (Darton 1902, and Connor 1963). One possible explanation for the difference between the hypothetical hydrologic budget and the physical evidence of the observation well data may be an additional component of recharge to the Inyan Kara through leakage from Angostura Reservoir.

OBSERVATION WELL DATA:

Administrative Rule of South Dakota Section 74:02:05:07 requires that the Water Management Board shall rely upon the record of observation well measurements in addition to other data to determine that the quantity of water withdrawn annually from the aquifer does not exceed the estimated average annual recharge to the aquifer.

The DENR-Water Rights Program monitors nine observation wells completed into the Inyan Kara aquifer (Water Rights, 2016a). The observation well data for the Inyan Kara aquifer documents: 1) upward trending water levels; 2) that at the current level of development, climatic conditions greatly mask any temporal effects of well withdrawals thus the combined recharge to and natural discharge from the Inyan Kara aquifer significantly exceeds long term well withdrawals; and 3) the potentiometric surface of the aquifer has been relatively unchanged over time. Therefore, the observation well data shows that unappropriated water is available from the Inyan Kara aquifer.

Observation well FR-95C is located approximately four miles south-southeast of the well this application proposes to use. The observation well is representative of the subarea of the Inyan Kara aquifer this application proposes to appropriate from. A hydrograph for the observation well is shown in Figure 2.

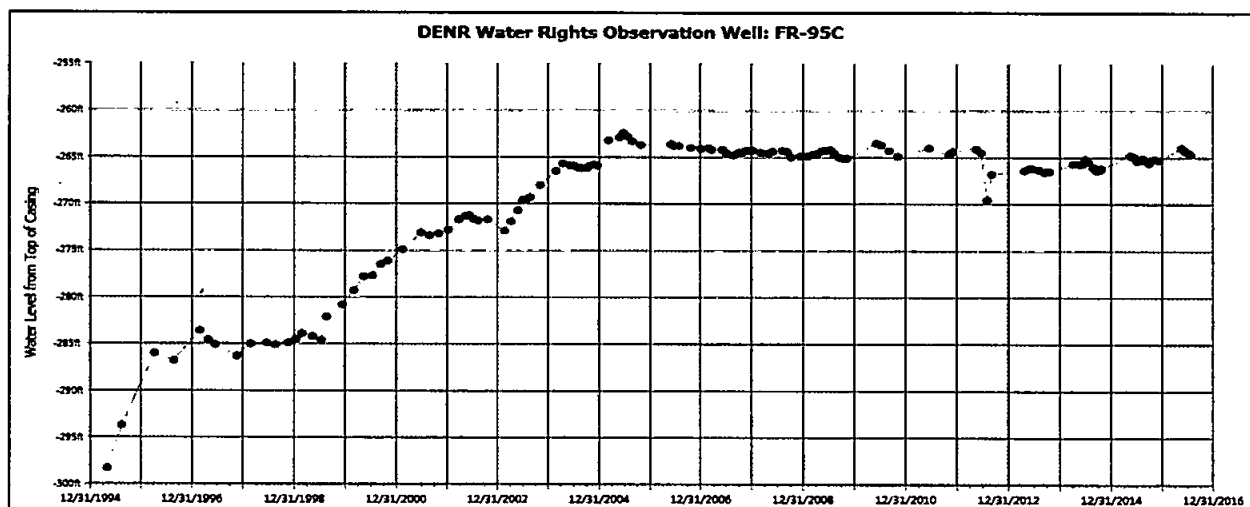


Figure 2. Hydrograph for DENR-Water Rights' Observation well FR-95C (Water Rights, 2016a).

The hydrograph for FR-95C shows that the potentiometric surface of the Inyan Kara aquifer in this subarea has been relatively stable since a generally wet period in the early part of the record (i.e. 1994-2005). Well withdrawals are not reflected in the hydrograph. The hydrograph documents that at this stage of development of the Inyan Kara aquifer in this area, recharge to the aquifer and total discharge from the aquifer appear to be approximately equal. Recognizing that well withdrawals constitute a small percentage of total discharge from the Inyan Kara aquifer as compared to groundwater outflow. Since groundwater outflow can be captured by well withdrawals, approval of this application will not result in withdrawals from the Inyan Kara aquifer to exceed average annual recharge in this area.

AFFECTS ON EXISTING WATER RIGHTS:

Water rights/permits supplied by sources other than the Inyan Kara aquifer are not expected to be affected by Inyan Kara aquifer withdrawals since the aquifer is confined by the overlying Skull Creek shale, and the underlying Morrison formation separates the aquifer from lower aquifers in this area.

There are a number of reports on file with the DENR-Water Rights Program for domestic use wells that are completed into the Inyan Kara aquifer in this area (Water Rights, 2016c). Water rights appropriating water from the Inyan Kara aquifer in this area are shown in Figure 1 and Table 1.

Since the Inyan Kara aquifer is under confined conditions, the artesian pressure of the aquifer is subject to fairly significant fluctuations due to pumping. Drawdown from withdrawing water from a well may extend over a fairly large area. At this time, it is not practical to attempt to quantify the specific affect withdrawals from this well may have on area wells since aquifer characteristics have not been determined for this area.

Wells supplying existing Water Rights/Permits and domestic uses are protected from adverse impacts per Water Management Board rules 74:02:04 and 74:02:05, which were promulgated pursuant to SDCL 46-6-6.1. These rules provide for the regulation of large capacity wells to the degree necessary to maintain an adequate depth of water for a prior appropriator in wells that have the ability to produce water **independent of artesian pressure**. Simply put, the pump placement in a prior appropriator's well is not necessarily protected.

If the water levels in the Inyan Kara aquifer were to decline, owners of existing wells bear the responsibility of lowering the pump inlet in the well to the top of the aquifer, if necessary. Increased lift would decrease the pump discharge or require a larger or different type of a pump to maintain the same output.

An increase in operating expenses that may result from interference between wells is not necessarily an adverse impact. The Water Management Board considered this situation in the matter of Water Permit Application 2313-2, Coca-Cola Bottling Company of the Black Hills (Water Rights, 1995). The Board adopted findings of fact and conclusions of law that basically state that if the increased cost or decreased production is considered an adverse impact, it could be in conflict with SDCL 46-1-4, which requires South Dakota's water resources to be put to beneficial use to the fullest extent of which they are capable.

Given the distance this proposed well site is from existing Inyan Kara aquifer wells supplying water rights/permits, and the relatively insignificant drawdown expected at the pumping well, interference is not expected to be adverse.

CONCLUSIONS

1. Water Permit Application No. 2754-2 proposes to divert water from the Inyan Kara aquifer at a maximum diversion rate of 0.1 cfs. The annual diversion rate that would be authorized for Water Permit No. 2754-2 and Water Right No. 2568-2 will be limited to 27 acre-feet annually.
2. Approval of this application will not result in average annual withdrawals from the Inyan Kara aquifer to exceed the average annual recharge to the aquifer.
3. The Inyan Kara is a viable aquifer in this area and there is a reasonable probability that unappropriated water is available for this proposed appropriation.
4. Well interference is not expected to be significant and will not adversely impact existing users.



Ken Buhler
SD DENR-Water Rights Program

REFERENCES:

- Allen, J.C., Iles, D.L., and Petres, A.K., 1985, Analysis of Groundwater and Streamflow Data, Western Dakotas Region of South Dakota, Tasks 3A.B.C. and 4A.B: Groundwater Resources Inventory: US Army Corps of Engineers Contract DAWC 45-82-C-0151, SD DENR-Geological Survey, Vermillion SD.
- Buhler, K.A., 2012, Report to the Chief Engineer on Water Permit Application No. 2686-2, Powertech (USA) Inc., November 2, 2012: S.D. DENR-Water Rights Program Water Permit Application File No.2686-2
- Carter, J.M., Driscoll, D.G., and Hamade, G.R., 2001, Estimated recharge to the Madison and Minnelusa aquifers in the Black Hills area, South Dakota and Wyoming, water years 1931-1998: U.S. Geological Survey Water-Resources Report 2000-4278, 66 p.
- Connor, J.J., 1963, Geology of the Angostura Reservoir Quadrangle Fall River County South Dakota: U.S. Geological Survey Bulletin 1063-D, p. 85-126.
- Darton, N.H., 1902, Geologic Atlas of the United States, Oelrichs Folio, South Dakota-Nebraska: Folios of the Geologic Atlas 85, Areal Geology Sheet, scale 1:125,000
- Driscoll, D.G., and Carter, J.M., 2001, Hydrologic Conditions and Budgets for the Black Hills of South Dakota Through Water Year 1998: U.S. Geological Survey Water-Resources Report 01-4226, 143 p.

- Driscoll, D.G., Carter, J.M., Williamson, J.E., and Putnam, L.D., 2002, Hydrology of the Black Hills Area, South Dakota: U.S. Geological Survey Water- Resources Report 02-4094, 150 p.
- Driscoll, D.G., Hamade, G.R., and Kenner, S.J., 2000, Summary of Precipitation Data for the Black Hills Area of South Dakota, Water Years 1931-98: U.S. Geological Survey Water-Resources Report 00-329, 151 p.
- Galloway, J.M., 1999, Selected Hydrogeologic Data for the Inyan Kara, Minnekahta, Minnelusa, Madison, and Deadwood Aquifers in the Black Hills area, South Dakota: U.S. Geological Survey Open-File report 99-602, 60 p.
- Gott, G.B., Wolcott, D.E., and Bowles, C.G., 1974, Stratigraphy of the Inyan Kara Group and Localization of Uranium Deposits, Southern Black Hills, South Dakota and Wyoming: U.S. Geological Survey Professional Paper 763, 57 p.
- Konda, N., Personal Communication, July 27, 2016, Engineer III, DENR-Feedlot Permits Program
- Lobmeyer, D.H., 1985, Freshwater Heads and Ground-Water Temperatures in Aquifers of the Northern Great Plains in parts of Montana, North Dakota, South Dakota, and Wyoming: U.S. Geological Survey Professional Paper 1402-D, 11 p.
- Merewether, E.A., 1975, Mesozoic Rocks: Mineral and Water Resources of South Dakota, Committee on Interior and Insular Affairs, United States Senate pg. 41.
- Schoon, R.A., 1971, Geology and Hydrology of the Dakota Formation in South Dakota: SD DENR- Geological Survey Report of Investigations 104, 55 p.
- Strobel, M.L., Jarrell, G.J., Sawyer, J.F., Schleicher, J.R., Fahrenbach, M.D., 1999, Distribution of Hydrogeologic Units in the Black Hills Area, South Dakota: U.S. Geological Survey Hydrologic Atlas 743, scale:1:100,000
- Strobel, M.L., Galloway, J.M., Hamade, G.R., Jarrell, G.J., 2000, Potentiometric Surface of the Inyan Kara Aquifer in the Black Hills Area, South Dakota: U.S. Geological Survey Hydrologic Atlas 745-A, scale:1:100,000
- Waage, K.M., 1959, Stratigraphy of the Inyan Kara Group in The Black Hills: U.S. Geological Survey Geological Survey Bulletin 1081-B, 90 p.
- Water Rights, 1995, Findings of Fact, Conclusions of Law and Final Decision in the Matter of Water Permit Application No. 2313-2, Coca-Cola Bottling Company of the Black Hills: S.D. DENR-Water Rights Program Water Right File No.2313-2

Water Rights, 2016a, Observation Well Files, SD DENR-Water Rights Program, Joe Foss Bldg, Pierre, SD

Water Rights, 2016b, Water Right/Permit Files, SD DENR-Water Rights Program, Joe Foss Bldg, Pierre, SD

Water Rights, 2016c, Water Well Completion Reports, SD DENR-Water Rights Program, Joe Foss Bldg, Pierre, SD

Wolcott, D.E., 1967, Geology of the Hit Springs Quadrangle Fall River and Custer Counties, South Dakota: U.S. Geological Survey Bulletin 1063-K, Plate 28, scale 1:24,000

Affidavit of Publication

RECEIVED

AUG 29 2016

WATER RIGHTS
PROGRAM

Aug. 20
L21006608

NOTICE OF APPLICATION

NO. 2754-2 to Appropriate Water
Notice is given that Steve Simunek, 27851 S Buffalo Gap Rd, Oral SD 57766 has filed an application for a water permit to appropriate an additional 0.1 cubic feet of water per second (cfs) from one well authorized by Water Right No. 2568-2. Water Right No. 2568-2 authorizes 0.056 cfs from one well completed into the Inyan Kara Aquifer (963 feet deep) used to maintain the water level in a 7 acre-foot storage dugout and lawn irrigation all located in the NE 1/4 and E 1/2 NW 1/4 Section 16-T8S-R6E. This application proposes to appropriate an additional 0.1 cfs from the well for the existing use and to maintain an additional storage pond (less than 1.0 acre-foot storage capacity) for commercial use of a sand wash plant to be located in the NW 1/4 NE 1/4 Section 16 and SW 1/4 SE 1/4 Section 9; all in T8S-R6E. Water Right No. 2568-2 and Water Permit No. 2754-2, combined can use up to 20 acre-feet of water annually.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2754-2 with qualifications because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. The Chief Engineer's recommendation with qualifications, the application, and staff report are available at <http://denr.sd.gov/public> or contact Eric Gronlund for this information, or other information, at the Water Rights Program address provided below.

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 September 6, 2016.

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.

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.

/s/ Steven M. Pirner,
Secretary,
Department of Environment and
Natural Resources.

STATE OF SOUTH DAKOTA

County of Pennington

SS:

Carina Tyler being first duly sworn, upon his/her oath says: That he/she is now and was at all time hereinafter mentioned, an employee of the RAPID CITY JOURNAL, a corporation of Rapid City, South Dakota, the owner and publisher of the RAPID CITY JOURNAL, 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 in the English language, at and within an office maintained by the owner and publisher thereof, at Rapid City, in said Pennington County, and has been admitted to the United States mail under the second class mailing privilege for at least one year prior to the publication herein mentioned; that the advertisement, a printed copy of which, taken from said Rapid City Journal, the paper in which the same was published, is attached to this sheet and made a part of this affidavit, was published in said paper once each day for 1 successive day, the first publication there of being on the 20 day of Aug 2016 that the fees charged for the publication there of are 69 dollars and 69 cents.

Subscribed and sworn to before me this 25 day of August, 2016.

Notary public

DUSTIN RICE



NOTARY PUBLIC
SOUTH DAKOTA



My commission expires 7/1/20

RECEIVED

AUG 25 2016

Form 8

WATER RIGHTS
PROGRAM

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)

County of Fall River) SS

I, Brett Nachtigall

certify that the attached printed Notice was taken

from the Hot Springs Star

printed and published in Hot Springs

County of Fall River and

state of South Dakota. The notice was published

in the newspaper on the following date:

Aug. 23, 2016

Cost of Printing \$29.46

Brett Nachtigall
(Signature)

Publisher
(Title)

8-23-16
(Date Signed)

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 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.

Steven M. Pinner
Secretary,
Department of Environment and Natural Resources.

Published once at the total approximate cost of \$29.46.

Aug. 23

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 September 6, 2016.

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.

able, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. The Chief Engineer's recommendation with qualifications, the application, and staff report are available at <http://denr.sd.gov/public> or contact Eric Gronlund for this information, or other information, at the Water Rights Program address provided below.

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.

16-T8S-R6E. This application proposes to appropriate an additional 0.1 cfs from the well for the existing use and to maintain an additional storage pond (less than 1.0 acre-foot storage capacity) for commercial use at a sand wash plant to be located in the NW 1/4 NE 1/4 Section 16 and SW 1/4 SE 1/4 Section 9; all in T8S-R6E, Water Right No. 2568-2 and Water Permit No. 2754-2, combined can use up to 20 acre-feet of water annually.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2754-2 with qualifications because 1) unappropriated water is available.

235
NOTICE OF APPLICATION
NO. 2754-2
to Appropriate Water

Notice is given that Steve Simunek, 27851 S Buffalo Gap Rd, Oral SD 57766 has filed an application for a water permit to appropriate an additional 0.1 cubic feet of water per second (cfs) from one well authorized by Water Right No. 2568-2, Water Right No. 2568-2 authorizes 0.056 cfs from one well completed into the Inyan Kara Aquifer (963 feet deep) used to maintain the water level in a 7 acre-foot storage dugout and lawn irrigation all located in the NE 1/4 and E 1/2 NW 1/4 Section

Schlaak, Karen

From: Schlaak, Karen
Sent: Monday, August 15, 2016 8:11 AM
To: hsstar@lee.net
Subject: 2754-2, Steve Simunek
Attachments: 2754-2publicnov2015.short1.docx; FORM8.FRM.doc

Attached is a notice to be published on August 23, 2016.

Steve Simunek, 27851 S Buffalo Gap Rd, Oral SD 57766 (605 890-4162) 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.

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

Karen Schlaak

Water Rights Program
523 E Capitol Ave
Pierre SD 57501
Phone: 605 773-3352

Schlaak, Karen

From: Schlaak, Karen
Sent: Monday, August 15, 2016 8:12 AM
To: Brandyn Crawford (Brandyn.Crawford@rapidcityjournal.com)
Subject: 2754-2, Steve Simunek
Attachments: 2754-2publicnov2015.short1.docx; FORM8.FRM.doc

Attached is a notice to be published on August 23, 2016.

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

Karen Schlaak
Water Rights Program
523 E Capitol Ave
Pierre SD 57501
Phone: 605 773-3352



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.**

August 12, 2016

Steve Simunek
27851 S Buffalo Gap Rd
Oral SD 57766

Dear Mr. Simunek:

Water Permit Application No. 2754-2 for commercial use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice has been sent to the Hot Springs Star printed at Hot Springs SD (Ph # 605-745-4170) and the Rapid City Journal printed at Rapid City SD (Ph # 605-394-8300). 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.

NOTICE OF APPLICATION NO. 2754-2 to Appropriate Water

Notice is given that Steve Simunek, 27851 S Buffalo Gap Rd, Oral SD 57766 has filed an application for a water permit to appropriate an additional 0.1 cubic feet of water per second (cfs) from one well authorized by Water Right No. 2568-2. Water Right No. 2568-2 authorizes 0.056 cfs from one well completed into the Inyan Kara Aquifer (963 feet deep) used to maintain the water level in a 7 acre-feet storage dugout and lawn irrigation all located in the NE 1/4 and E 1/2 NW 1/4 Section 16-T8S-R6E. This application proposes to appropriate an additional 0.1 cfs from the well for the existing use and to maintain an additional storage pond (less than 1.0 acre-foot storage capacity) for commercial use at a sand wash plant to be located in the NW 1/4 NE 1/4 Section 16 and SW 1/4 SE 1/4 Section 9; all in T8S-R6E. Water Right No. 2568-2 and Water Permit No. 2754-2, combined can use up to 20 acre-feet of water annually.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2754-2 with qualifications because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. The Chief Engineer's recommendation with qualifications, the application, and staff report are available at <http://denr.sd.gov/public> or contact Eric Gronlund for this information, or other information, at the Water Rights Program address provided below.

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 September 6, 2016.

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.

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.

Steven M. Pirner, Secretary, Department of Environment and Natural Resources. Published once at the total approximate cost of _____.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

September 7, 2016

Steve Simunek
27851 S Buffalo Gap Rd
Oral SD 57766

Dear Mr. Simunek:

The Notice of Application No. 2754-2 to Appropriate Water as published in the Rapid City Journal and the Hot Springs Star on August 20, 2016 had an error in the last sentence of the first paragraph. The sentence as published was "Water Right No. 2568-2 and Water Permit No. 2754-2, combined can use up to 20 acre-feet of water annually." The correct acre-feet amount should have been 27 acre-feet.

Therefore, the notice needs to be readvertised to correct the error. The notice has been sent to the two newspapers to be published on September 13, 2016. Enclosed is a copy of the corrected notice.

The cost of publication in both newspapers will be paid by the Water Rights Program. Please contact us if you have any questions.

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosure

NOTICE OF APPLICATION NO. 2754-2 to Appropriate Water

Notice is given that Steve Simunek, 27851 S Buffalo Gap Rd, Oral SD 57766 has filed an application for a water permit to appropriate an additional 0.1 cubic feet of water per second (cfs) from one well authorized by Water Right No. 2568-2. Water Right No. 2568-2 authorizes 0.056 cfs from one well completed into the Inyan Kara Aquifer (963 feet deep) used to maintain the water level in a 7 acre-feet storage dugout and lawn irrigation all located in the NE 1/4 and E 1/2 NW 1/4 Section 16-T8S-R6E. This application proposes to appropriate an additional 0.1 cfs from the well for the existing use and to maintain an additional storage pond (less than 1.0 acre-foot storage capacity) for commercial use at a sand wash plant to be located in the NW 1/4 NE 1/4 Section 16 and SW 1/4 SE 1/4 Section 9; all in T8S-R6E. Water Right No. 2568-2 and Water Permit No. 2754-2, combined can use up to 27 acre-feet of water annually.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2754-2 with qualifications because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. The Chief Engineer's recommendation with qualifications, the application, and staff report are available at <http://denr.sd.gov/public> or contact Eric Gronlund for this information, or other information, at the Water Rights Program address provided below.

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 September 26, 2016.

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.

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.

Steven M. Pirner, Secretary, Department of Environment and Natural Resources. Published once at the total approximate cost of _____.

Schlaak, Karen

From: Schlaak, Karen
Sent: Wednesday, September 07, 2016 9:53 AM
To: hsstar@lee.net
Subject: 2754-2, Steve Simunek
Attachments: 2754-2publicnov2015.short1.docx; FORM8.FRM.doc

Attached is a notice to be published on September 13, 2016.

This notice was originally published on August 23rd, but contained an error, so it needs to be published again.

The Water Rights Program will pay the cost of publication.

Please send the bill, affidavit and/or return the attached Proof of Publication form ASAP.

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

Karen Schlaak

Water Rights Program
523 E Capitol Ave
Pierre SD 57501
Phone: 605 773-3352

Schlaak, Karen

From: Schlaak, Karen
Sent: Wednesday, September 07, 2016 9:51 AM
To: Brandyn Crawford (Brandyn.Crawford@rapidcityjournal.com)
Subject: 2754-2, Steve Simunek
Attachments: 2754-2publicnov2015.short1.docx; FORM8.FRM.doc

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Karen Schlaak

Water Rights Program
523 E Capitol Ave
Pierre SD 57501
Phone: 605 773-3352

RECEIVED

SEP 20 2016

AFFIDAVIT OF PUBLICATION

**WATER RIGHTS
PROGRAM**

State of South Dakota)
) ss.
County of Fall River)

Brett Nachtigall of Hot Springs, Fall River County, South Dakota, being duly sworn, upon oath says that he is the publisher of the Hot Springs Star, as a legal newspaper, as defined in SDCL 17-2-2.1 through 17-2-2.4 inclusive, and is published at Hot Springs, county and state aforesaid; that the advertisement headed -

#252 Notice of
Application #2754-2

a true printed copy thereof is hereunto annexed, was published in the said Hot Springs Star, in the regular and entire issue of said paper,

for one

successive issues, beginning with the

issue dated Sept. 13, 20 14

and ending with the issue dated

 , 20

That the full amount of the fee charged for the publication of said notice is

\$ 29.44, and 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 whole amount insures to the benefit of the publishers of said newspaper.

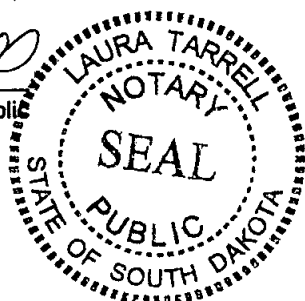
Brett Nachtigall
Subscribed and sworn to before me

this 13 day of Sept

20 14

Laura Tarrell
Notary Public

My Commission Expires
December 3, 2019



252

**NOTICE OF APPLICATION
NO. 2754-2**

to Appropriate Water

Notice is given that Steve Simunek, 27851 S Buffalo Gap Rd, Oral SD 57766 has filed an application for a water permit to appropriate an additional 0.1 cubic feet of water per second (cfs) from one well authorized by Water Right No. 2568-2. Water Right No. 2568-2 authorizes 0.056 cfs from one well completed into the Inyan Kara Aquifer (963 feet deep) used to maintain the water level in a 7 acre-foot storage dugout and lawn irrigation all located in the NE 1/4 and E 1/2 NW 1/4 Section 16-T8S-R6E. This application proposes to appropriate an additional 0.1 cfs from the well for the existing use and to maintain an additional storage pond (less than 1.0 acre-foot storage capacity) for commercial use at a sand wash plant to be located in the NW 1/4 NE 1/4 Section 16 and SW 1/4 SE 1/4 Section 9; all in T8S-R6E. Water Right No. 2568-2 and Water Permit No. 2754-2, combined can use up to 27 acre-feet of water annually.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2754-2 with qualifications because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. The Chief Engineer's recommendation with qualifications, the application, and staff report are available at <http://denr.sd.gov/public> or contact Eric Gronlund for this information, or other information, at the Water Rights Program address provided below.

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 September 26, 2016.

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.

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.

Steven M. Pirner, Secretary,
Department of Environment
and Natural Resources.

Published once at the total
approximate cost of \$29.46.

Sept. 13

Sept. 10 L21009981
NOTICE OF APPLICATION
NO. 2754-2 to Appropriate Water
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Simunek, 27851 S Buffalo Gap Rd,
Oral SD 57766 has filed an applica-
tion for a water permit to appro-
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of water per second (cfs) from one
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of the hearing will be given to the
applicant and any person filing a
petition.

/s/ Steven M. Pirner,
Secretary, Department of Envi-
ronment and Natural Resources

(Published once at the total approximate
cost of \$71.97).

Affidavit of Publication

STATE OF SOUTH DAKOTA

County of Pennington

SS:

RECEIVED

SEP 15 2016

WATER RIGHTS
PROGRAM

Carina Tyler being first duly sworn, upon his/her oath says: That
he/she is now and was at all time hereinafter mentioned, an
employee of the RAPID CITY JOURNAL, a corporation of Rapid
City, South Dakota, the owner and publisher of the RAPID CITY
JOURNAL, 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
in the English language, at and within an office maintained by the
owner and publisher thereof, at Rapid City, in said Pennington
County, and has been admitted to the United States mail under the
second class mailing privilege for at least one year prior to the
publication herein mentioned; that the advertisement, a printed
copy of which, taken from said Rapid City Journal, the paper in
which the same was published, is attached to this sheet and made a
part of this affidavit, was published in said paper once each

day for 1 successive
day, the first publication there of being on the
10 day of Sept. 2016 that the fees charged for
the publication there of are 71 dollars
and 97 cents.

Carina Tyler
Subscribed and sworn to before me this 13
day of September, 2016.

Dustin Rice
Notary public

DUSTIN RICE



NOTARY PUBLIC
SOUTH DAKOTA



7/1/20
My commission expires

September 15, 2016

PAYMENT REQUEST FORM

PAYEE: Rapid City Journal
PO Box 31238
Billings MT 59107

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

DESCRIPTION OF SERVICE, PRODUCE OR TRANSFER

Public Notices for WR # 0494-2 & WP # 2754-2

AMOUNT: \$167.36

FUNDING SOURCE:

GENERAL: X

FEDERAL:

OTHER:

COMMENTS:

AUTHORIZATION:

Gail Jacobson 9-15-16

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.



Classified Advertising Invoice

RECEIVED

SEP 15 2016

WATER RIGHTS
PROGRAM

Rapid City Journal &
Black Hills Weekly Group
PO Box 31238
Billings, MT 59107-1238
(877) 510-6397

S.D. DENR

WATER RIGHTS
523 E. CAPITOL AVE.
PIERRE SD 57501-3182

Customer: 60017362

Phone: (605) 773-3351

Date: 09/10/2016

Date	Order #	Type	Order Amt
------	---------	------	-----------

09/10/16 21009981 INV 71.97

Amount Paid: _____

Card #: _____

Check Number: _____

Signature: _____



Exp Date: _____

PLEASE DETACH AND RETURN TOP PORTION WITH YOUR PAYMENT

Lee Enterprises no longer accepts credit card payments sent via e-mail. Emails containing credit card numbers will be blocked. Please use the coupon above to send a credit card payment to remittance address located in the upper right corner.

You may also send the coupon to a secure fax at 406-657-1442.

Date	Order #	Type	Description	Lines	Times Run	Order Amount	Net Amt Due
09/10/16	21009981	INV	NO. 2754-2 to Appropriate Wate	126.00	1.00	71.97	71.97
Start 09/10/16 End 09/10/16							
Rapid City Journal							

Please return invoice or put order number on check. Thank You.

Remarks

Total Due:

71.97

RAPID CITY JOURNAL &
BLACK HILLS WEEKLY GROUP
PO BOX 31238
Billings, MT 59107-1238
(877) 510-6397

Rapid City Journal - Patriot - Meade County Times
Lawrence County Journal - Butte County Post
Hot Springs Star - Chadron Record

September 20, 2016

PAYMENT REQUEST FORM

PAYEE: Hot Springs Star
PO Box 1000
Hot Springs SD 57747

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

DESCRIPTION OF SERVICE, PRODUCE OR TRANSFER

Public Notice on Water Permit No. 2754-2

AMOUNT: \$29.46

FUNDING SOURCE:

GENERAL: X

FEDERAL:

OTHER:

COMMENTS:

AUTHORIZATION:

Gail Jackson 9-20-16

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 ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

Steve Simunek
27851 S Buffalo Gap Rd
Oral SD 57766

Dear Mr. Simunek:

Enclosed is Water Permit No. 2754-2 authorizing construction of the water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

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

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

Sincerely,

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

enclosures

Report of Examination of Works and/or Application of Water to Beneficial Use For Permit No. 2754-2

I have this day, May 16, 2019, made a thorough examination of the water use system constructed by Steve Simunek, 27851 So. Buffalo Gap Rd, Oral SD 57766 of Permit No. 2754-2, bearing the priority of 5/31/2016 authorizing the diversion of an additional 0.1 cu. ft. per second of the water from one well and less than 1.0 acre-feet storage for commercial use purposes in Fall River County.

Inspection contact & relationship to permit holder, if applicable: **Steve Simunek, owner**
605-890-4162

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: Dakota Bice LLC (2006)
- 2) No. of Wells 1
- 3) Depth(s) 960 feet
- 4) Well log is available Yes

Casing:

- 1) Diameter 7 inch
- 2) Length 963 feet
- 3) Type Steel

Screen:

- 1) Type shot perforated
- 2) Length 63 feet (877 to 940 ft. level)
- 3) Static water level 0 ft. (no flow rate listed on log)

Pump:

- 1) Make Gould
- 2) Model 55GS30
- 3) Size 4"
- 4) Capacity 70 GPM (This is a 55GPM pump with a capacity of 60-70 GPM as installed)
- 5) Horsepower rating 3 hp
- 6) Pressure Switch Setting Manual Operation

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

A 3" PVC pipeline approximately 1,320' in length supplies water to the storage pond used by the gravel washing operation. Water used within Clearwater Lake Estates is delivered to a 1,000 gallon concrete cistern with 1 ½" PVC and then to the dugout adjacent to the well.

C. Works used to apply water to beneficial use:

Prior to Permit No. 2754-2 authorizing an additional 0.1 cfs, the system served 7 homes and maintained the water level in a dugout used for esthetics and fish and wildlife and provided for lawn irrigation in Clear Water Lake Estates. Construction on other homes is in progress with lots available for 24-30 homes. A 4" PVC line serves curb stops at each lot. The dugout is filled as needed to maintain water levels for esthetics and fish and wildlife.

The additional 0.1 cfs provides for the prior uses and to maintain an additional storage pond for use at the sand wash plant located north and adjacent to Clear Water Lake Estates.

Dugout Information:

- 1) Surface Area 0.4 acres
- 2) Maximum depth 8 feet
- 3) Approximate storage volume 2.2 acre feet

D. Compliance with Permit Requirements:

- 1) Permit qualifications being abided by : see 2) below
- 2) Exceptions to compliance are: **Dugout storage volume authorized in permit as less than 1 ac-ft., constructed volume estimated at 2.2 ac-ft.**

E. Condition and Location:

1. The system is in good condition with the point of diversion (well) located as follows:
1,324' S and 2,082' W of the NE corner Section 16 T8S R6E (43.357798, -103.409774)
2. The works are capable of diverting and conveying to the place of use 0.156 cu. ft. per second (70 gpm) of well water which is to be used for **commercial, domestic and fish and wildlife use**. The total authorized diversion amount for this well is **0.156 cfs** which includes the amount authorized by Water Right No. 2568-2 and the additional 0.1 cfs authorized by Permit No. 2754-2. The license for **No. 2754-2** should be issued for **0.1 cfs**. The pond authorized by Permit No. 2754-2 is capable of storing approximately **2.2 acre-feet**.

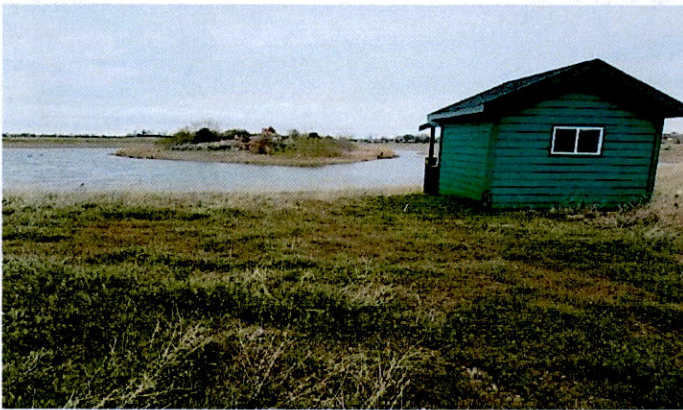
All structures, wells and lands on map – Yes

F. Comments or other permits associated with the project: Water Permit 2754-2 authorized an additional 0.1 cfs from one well authorized by Water Right No. 2568-2. Water Right No. 2568-2 authorized 0.056 cfs (25 gpm). The total licensed diversion from the well is **0.156 cfs** (70 GPM).



Steven Quissell
Water Rights Inspector
DENR, Water Rights Program

Date report completed: **May 17, 2019**



Clear Water Lake Estates dugout with pump house in foreground



Well in pump house



PVC lined storage pond for gravel wash operation

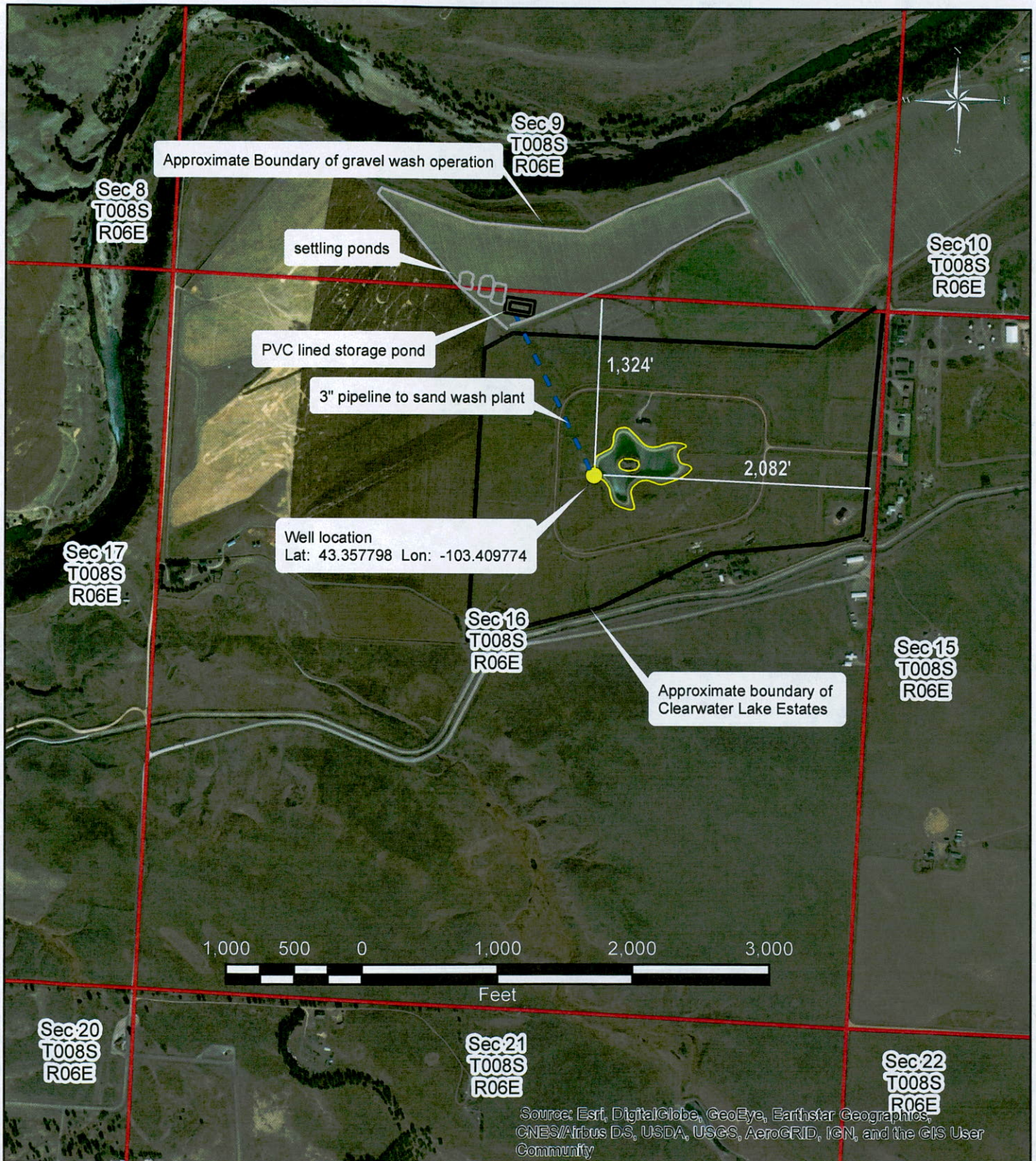


3" PVC inlet to storage pond



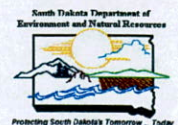
Gravel wash operation

Water Right # 2754-2
Steve Simunek
5/16/2019



Steven Quissell

Steven Quissell
Water Rights Inspector
DENR Water Rights Program





DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
<http://denr.sd.gov>

JUL 12 2019

2754-2

Steve Simunek
27851 S Buffalo Gap Rd
Oral SD 57766

Dear Mr. Simunek:

Enclosed is Water License No. 2754-2. This is the final water right document completing your process of obtaining a Water Right. Included with your license is a map prepared by the staff engineer who conducted the field investigation.

For your information SDCL 46-6-27 requires that if in the future, the owner of an existing well, 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 you use the water beneficially, as stated in the Water License, the State Water Laws provide that you have 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

enclosures

**STATE OF SOUTH DAKOTA
WATER LICENSE NO. 2754-2**

(1) Steve Simunek, 27851 S Buffalo Gap Rd., Oral SD 57766 made Application No. 2754-2, May 31, 2016 for a water permit to divert 0.10 cubic feet of water per second (cfs) from ground water, (one existing well – Inyan Kara Aquifer), Fall River County, South Dakota for commercial purposes. Permit No. 2754-2, with a priority date of May 31, 2016 was approved September 26, 2016 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before September 26, 2021 and for the application to beneficial use of water on or before September 26, 2025.

Water Permit No. 2754-2 was obtained to appropriate an additional 0.10 cfs from the existing well authorized under Water Right No. 2568-2. No. 2568-2 authorizes 0.056 cfs from the well to maintain a 7 acre-feet storage dugout used for lawn irrigation and fish & wildlife propagation. Water Permit No. 2754-2 utilizes the same well to maintain an additional storage pond for use at a sand wash plant.

Water Right No. 2568-2, held by Quality Real Estate Inc. and No. 2754-2, held by Steve Simunek utilize the same well but will not be incorporated together since they are under different names and are for different uses. The combined diversion rate authorized under both is 0.156 cfs or 70 gallons per minute.

(2) It is certified that the permit holder has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 0.10 cubic feet of water per second for beneficial use. The location of the diversion point is:

- 1,324'S and 2,082'W of the NE corner of Section 16, T8S, R6E (SW ¼ NE ¼)
Latitude 43.357798, Longitude -103.409774

(3) The permit holder has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use at a sand wash plant adjacent to Clear Water Lake Estates.

(4) Pursuant to South Dakota Water Law 46-5-30.1 Steve Simunek, 27851 S Buffalo Gap Rd., Oral SD 57766 the holder and/or owner of Water Right No. 2754-2 is issued a license to appropriate water, the right to use 0.10 cubic feet of water per second from ground water, one well (Inyan Kara Aquifer) with a priority date of March 31, 2016 from the location specified in (2) of this license for commercial purposes.

This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 2754-2 and subject to the following qualifications:

- The well approved under Water Right Nos. 2568-2 and 2754-2 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 water right holder shall report to the Chief Engineer annually the amount of water withdrawn from the Inyan Kara Aquifer.
- Water Right Nos. 2568-2 and 2754-2 authorize a total annual diversion of 27 acre feet of water.



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

JUL 12 2019
date

