

WATER PERMIT NO. 2758-2

Name of Applicant: Steffen Farms LLC

Address: 34419 295th St, Burke SD 57523

Phone: 605 830-9795

Amount of Water Claimed: 0.14 cfs (63 AF)

Total Acres: NA

Source of Water Supply: groundwater (2 wells)

Water to be used for: commercial use

County: Gregory

Type of Waste Disposal System:

Location: 4 miles south of Burke

PRIORITY Date Received: 1-9-17

Application/License Fee: \$ 700

Corrected Application Received: 1-27-17

Period of Annual Use: Jan 1 – Dec 31

Remarks: animal feedlot operation

Diversion Point: NW 1/4 NW 1/4 Sec 19-T96N-
R71W

Land to be Irrigated: NA

Depth of Well: 40 feet

Well Driller:

Remarks:

Type of Map: aerial

Prepared by:

Reviewed and the Number Assigned on: 1-30-17

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____

	88				
			19		

Originally
received 1-9-2017

RECEIVED
JAN 27 2017
WATER RIGHTS
PROGRAM

Mail to: DENR - Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. <u>2758-2</u> (office use only) Hydrologic Unit <u>10150001</u>
	Basin <u>Niob Trib</u>
	Newspaper <u>Burke Gazette</u> <u>Daily Republic</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.)

- Name to Appear on Water Permit Stetten Farms LLC
Mailing Address 34419 295th Burke SD 57523
(Address) (City) (State) (Zip Code)
Phone 605-775-2102 Mobile 605-830-9775 Email clj-stetten@goldenwest.net
- Amount of water claimed 0.14 *CFS or 65 **GPM and 63 ***AF or _____ Gallons
Flow rate and volume are both required. (*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use
- Source of water supply Existing well & Possibly a new well (NW 1/4 NW 1/4)
- Location of point of diversion Well(s) NW 1/4 Sec 19 T 96N R 71E County Gregory
(example - 3 wells in SW 1/4 NE 1/4 section 12-T104N-R53W)
If not a public water supply (e.g. municipal), will water be used outside of the area described above? ☐ Yes ☒ No
If "Yes," where will water be used? _____
(example - NW 1/4 section 12-T104N-R53W)
- County or counties where water will be used Gregory
- Annual period during which water is to be used Year Round Jan 1 - Dec 31
- Give a description of the project. When available include any preliminary engineering report or other reports or information that will help explain the project. (Attach sheet if more space is needed)

Applying for a CAFO @ From DNR
Water use for proposed CAFO

I, A.J. Stetten ^{Sign} AJ Stetten Agent, 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. 2758-2

Date of first receipt of application January 9, 2017.

Date of return to applicant for corrections, amendments or changes January 10, 2017.

Date of receipt of corrected application January 27, 2017.

The Water Management Board approved Water Permit No. 2758-2 on July 12, 2017 for Steffen Farms LLC, c/o A J Steffen, 34419 295th St, Burke SD 57523 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. 2758-2 appropriates 63 acre-feet of water annually at a maximum diversion rate of 0.14 cubic feet of water per second from an existing well and a new well to be completed into the Ogallala Aquifer (40 feet deep) located in the NW 1/4 NW 1/4 Section 19 for a livestock facility located in the NW 1/4 Section 19; all in T96N-R71W.
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 from which applicant may claim right is January 9, 2017.
5. One-fifth of the construction is to be completed on or before January 12, 2020.
6. All construction is to be completed on or before July 12, 2022.
7. Water is to be put to beneficial use on or before July 12, 2026.
8. 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 Water Permit No. 2758-2 will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner, under these Permits shall control withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The new well authorized by Permit No. 2758-2 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
3. Water Permit No. 2758-2 is subject to compliance with requirements of the Department's Water Pollution Control Permit issued pursuant to SDCL 34A-2-36 or 34A-2-112 for concentrated animal feeding operations.

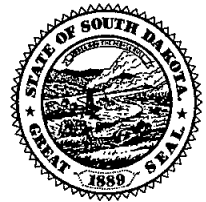
(continued)

4. Water Permit No. 2758-2 is subject to compliance with all existing and applicable Water Management Board Rules including but not limited to:
 - a) Chapter 74:54:01 Ground Water Quality Standards,
 - b) Chapter 74:54:02 Ground Water Discharge Permit,
 - c) Chapter 74:51:01 Surface Water Quality Standards,
 - d) Chapter 74:51:02 Uses Assigned to Lakes,
 - e) Chapter 74:51:03 Uses Assigned to Streams, and
 - f) Chapter 74:52:01 through 74:52:11 Surface Water Discharge Provisions
5. The permit holder shall report to the Chief Engineer annually the amount of water withdrawn from the Ogallala aquifer.
6. Water Permit No. 2758-2 authorizes a total annual diversion of 63 acre feet of water.

WATER MANAGEMENT BOARD

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

JUL 18 2017
date



Supplemental Information

(type or print)

1. Well Information

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

a) If new wells, how many 1 Have test holes been drilled ☐ Yes ☒ No Drilled by _____
(if yes, please provide copies of logs)

b) If existing wells, how many 1 Provide copy of log(s), if available. Drilled by old well Info unknown

For either Existing or Proposed Wells:

c) Well Depth (required) 40 ft Depth to Top of Water Bearing Material _____ Depth to Water from Surface 9 ft

d) Distance to nearest domestic well on applicant's property 3/8 mile Property owned by others 3/8 mile

2. Wastewater Disposal System Information

a) Type of System (i.e. septic tank, drain field) _____

b) System Capacity (gallons) _____ Year Constructed _____

c) Connected to the City of _____ Sanitary System

3. Dugout Information

a) Surface Dimensions _____ Depth _____

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

4. Water Storage Dams

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

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

b) Freeboard _____

c) Crest Width _____

Crest Length _____

d) Height _____

e) Primary Outlet Capacity _____

If pipe, diameter _____

f) Secondary Spillway Capacity _____

Spillway Width _____

g) X & Y Slope (e.g. 3 to 1 is a typical slope)

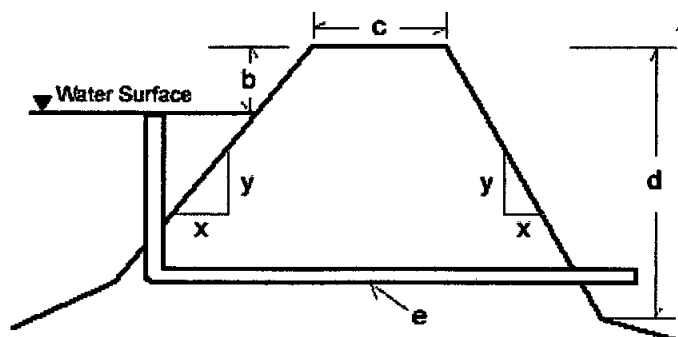
Upstream _____

Downstream _____

h) Surface Area of Impoundment _____

i) Storage _____ Acre Feet

j) Drainage Area Above Dam _____ Acres



Sec 13
T096N
R72W

Sec 18
T096N
R71W

Sec 17
T096N
R71W

*would like to put another
in the general
area*

Existing

Sec 24
T096N
R72W

Sec 19
T096N
R71W

Sec 20
T096N
R71W

Sec 25
T096N
R72W

Sec 30
T096N
R71W

Sec 29
T096N
R71W

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 1/10, 20 17

RECEIVED OF Steffen Farms LLC 34419 295th St Burje SD 57523

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

Fee for Application for Permit No. <u>2758-2</u> to Appropriate Water, to construct and to put water to beneficial use	500	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>2758-2</u>	200	00
Fee for Filing Transfer Form <u>2</u>		
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	700 00

No. **08078**

By Jean Goodman
Chief Engineer



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

January 10, 2017

Steffen Farms LLC
Doug Steffen
34419 295th St
Burke SD 57523

Dear Mr. Steffen:

Thank you for submitting the *Application for a Permit to Appropriate Water* for feedlot facility located in Gregory County. In order to complete the application, the following is required.

- Enclosed is an aerial photo map for Section 19-T96N-R71W. On the map, please mark the existing well and proposed well locations with an "X".
- The application requests a pump rate of 65 gallons per minute (gpm) and a daily volume of 93,600 gallons per day. In a previous phone conversation with Eric Gronlund, he indicated an annual volume needed to be included in the application. The daily volume listed in the application appears to have been calculated based on continuous pumping at the 65 gpm rate. It is likely unrealistic that 65 gpm will be pumped continuously during an entire year. Therefore, DENR requests an estimate of the annual volume to be used at the facility. An accepted practice is to convert the diversion rate to a volume in acre feet of water annually based on 60% pumping. Applying this 60% rate to 65 gpm over the course of a year equates to 63 acre feet of water annually. Do you concur with this amount?
- A review of the Secretary of State's website finds that AJ Steffen is the registered agent for Steffen Farms LLC. DENR will need the application to be signed by AJ Steffen or a statement of authority signed by AJ Steffen granting you authority to act on behalf of Steffen Farms LLC on all matters involving the water permit application.

If you have any questions, please contact me.

Sincerely,

Karen Schlaak

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

enclosures

RECEIVED

MAR - 9 2017

WATER RIGHTS
PROGRAM

March 7, 2017

Department of Energy and Natural Resources
Division of Environmental Services
Joe Foss Building
523 E. Capital
Pierre, South Dakota 50501-3182

Re: Well permit 2758-2/Steffen Farms LLC, feedlot

Dear Sirs:

This letter is to serve as notification that we oppose the issuance of the above referenced permit to Steffen Farms, LLC.

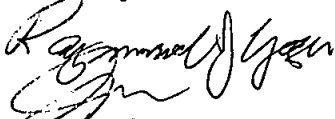
The reasons for our objection is due to the negative impact the request for an increase of water will have on our current well, as well as adding to the contamination of surrounding ground water and wells.

The past couple of years, we have experienced a deterioration of air quality with manure dust generated from the current operation of the this feedlot. The smell, dust and insects have grown exponentially and is often times untenable for us. Please do not allow for further damage to be done to our lives.

In the event that there will be a public meeting, please allow us the opportunity to appear to state our case.

Thank you.

Sincerely,



Raymond J. Yager
Julie R. Yager
29429 SD Hwy 47
P.O. Box 7
Burke, South Dakota 57523
605-775-2345

cc: Steffen Farms LLC c/o AJ Steffen



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 2758-2, Steffen Farms LLC**

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. 2758-2, Steffen Farms LLC, c/o A J Steffen, 34419 295th Street, Burke SD 57523.

The Chief Engineer is recommending APPROVAL of Application No. 2758-2 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:

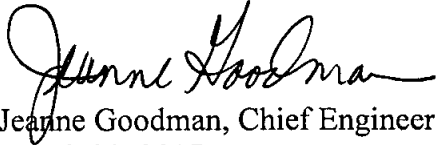
1. The wells approved under Water Permit No. 2758-2 will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner, under these Permits shall control withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The new well authorized by Permit No. 2758-2 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
3. Water Permit No. 2758-2 is subject to compliance with requirements of the Department's Water Pollution Control Permit issued pursuant to SDCL 34A-2-36 or 34A-2-112 for concentrated animal feeding operations.
4. Water Permit No. 2758-2 is subject to compliance with all existing and applicable Water Management Board Rules including but not limited to:
 - a) Chapter 74:54:01 Ground Water Quality Standards,
 - b) Chapter 74:54:02 Ground Water Discharge Permit,
 - c) Chapter 74:51:01 Surface Water Quality Standards,
 - d) Chapter 74:51:02 Uses Assigned to Lakes,
 - e) Chapter 74:51:03 Uses Assigned to Streams, and
 - f) Chapter 74:52:01 through 74:52:11 Surface Water Discharge Provisions

(continued)

5. The Permit holder shall report to the Chief Engineer annually the amount of water withdrawn from the Ogallala aquifer.

6. Water Permit No. 2758-2 authorizes a total annual diversion of 63 acre feet of water.

See report on application for additional information.

A handwritten signature in black ink, appearing to read "Jeanne Goodman". The signature is fluid and cursive, with the first name "Jeanne" and last name "Goodman" clearly distinguishable.

Jeanne Goodman, Chief Engineer
March 30, 2017

REPORT TO THE CHIEF ENGINEER
ON
WATER PERMIT APPLICATION NO. 2758-2
STEFFEN FARMS LLC
C/O AJ STEFFEN
MARCH 30, 2017

Water Permit Application No. 2758-2 proposes to authorize the appropriation of 63 acre-feet of water annually (ac-ft/yr.) at a maximum diversion rate of 0.14 cubic feet of water per second (cfs) from an existing well and a new well completed into the Ogallala aquifer located in the NW ¼ NW ¼ Section 19; T96N-R71W in Gregory County. The water is to be used for commercial purposes in a livestock facility in the NW ¼ Section 19; T96N-R71W.

AQUIFER: Ogallala (OGLL)

Aquifer Characteristics:

The Ogallala aquifer underlies approximately 134,000 square miles of the United States including portions of Colorado, Kansas, Nebraska, New Mexico, Oklahoma, South Dakota, Texas, and Wyoming (Gutentag et. al, 1984). In South Dakota, the Ogallala aquifer underlies approximately 1,140,360 acres and contains an estimated 19,929,600 ac-ft of recoverable water in storage in Bennett, Gregory, Ogallala Lakota, Todd, and Tripp Counties (Allen, Iles, and Petres, 1985). The Ogallala Group consists of silts, sands, clays, and surface gravel deposits (Filipovic, 2011; Gutentag et. al, 1984). The Ogallala aquifer is primarily under unconfined conditions, but locally confined conditions do exist (Water Rights, 2017a). The water movement in the aquifer is generally from the northwest toward the southeast and outward from the center toward the edges of the aquifer (Filipovic, 2004).

This application proposes to withdraw water from a portion of the Ogallala aquifer that is hydraulically disconnected from the main body of the aquifer. The Ogallala Group has been entirely eroded through down to the underlying Pierre Shale under the channel of Ponca Creek along its southwestern border and under the channel of the South Fork Whetstone Creek along its northeastern edge. This erosional remnant underlies approximately 135,000 acres of Gregory County (Filipovic, 2004; Martin et. al, 2004) and approximately 30,000 acres of Boyd County Nebraska (UNL, 2017). Figure 1 is a map of the approximate areal extent of the portion of the Ogallala aquifer from which this application proposes to withdraw water.

The existing well and proposed well sites are near the edge of this portion of the Ogallala aquifer. Logs for geologic borings in the files of the DENR-Feedlot Program (2017) indicate the existing well, listed as 40 feet deep in this application, is likely completed into silty clay, silty sand, silt, and/or sand. These sediments are labeled fine to coarse alluvium on the logs and may have been misidentified. These unconsolidated deposits are likely eroded Ogallala Group and directly underlying formations at the edge of the Ogallala aquifer. Gutentag and others (1984) stated unconsolidated alluvial, erosional, and eolian deposits that lie directly on the Ogallala Group are likely in hydraulic connection to and should be considered part of the Ogallala aquifer. The well may also penetrate into the Pierre Shale. The applicant stated the static water level in the existing well is nine feet below grade.

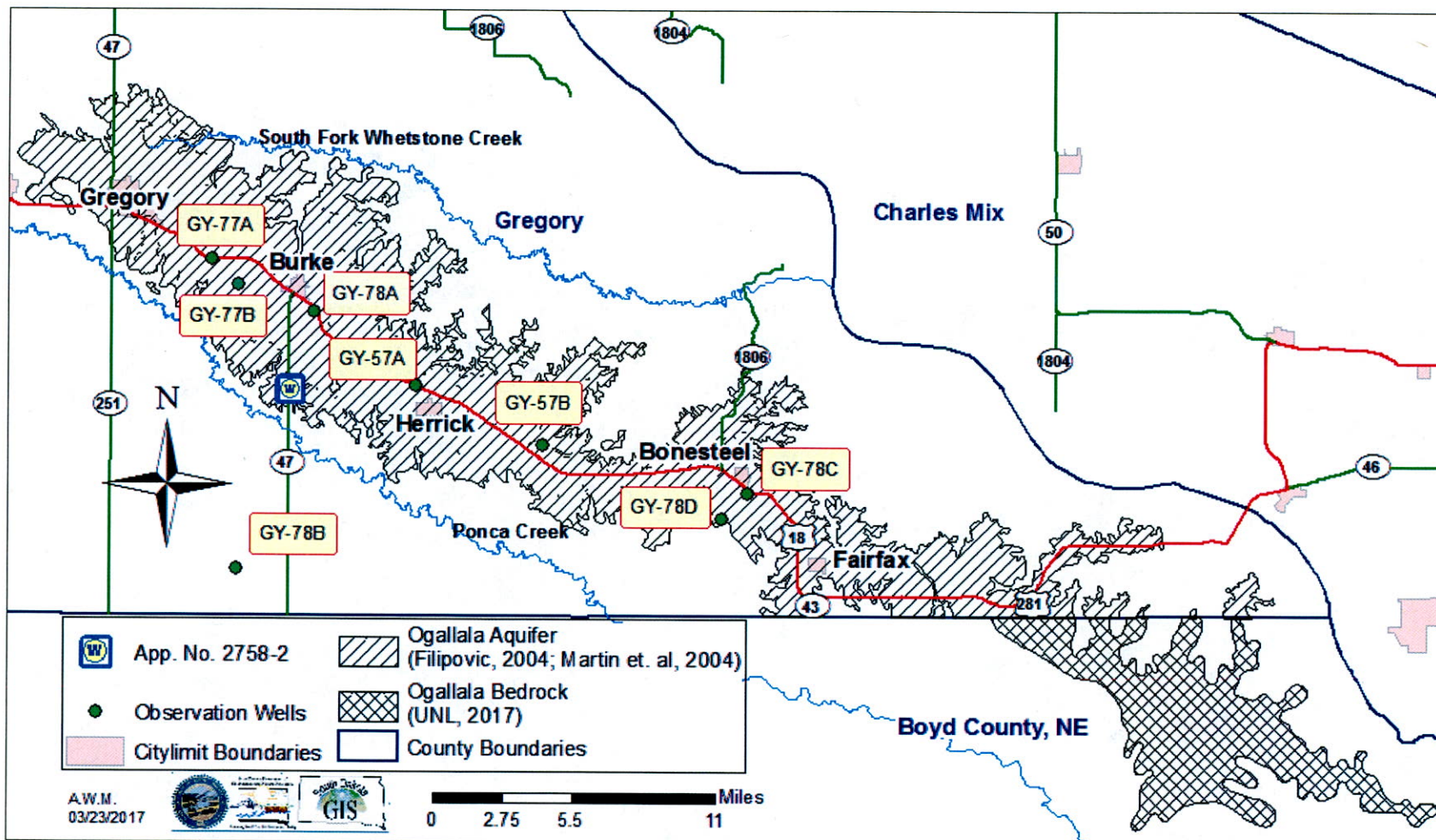


Figure 1- Approximate areal extent map of the erosional remnant of the Ogallala aquifer Application No. 2758-2 proposes to use

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 a reasonable probability that there is unappropriated water available for this 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. This report will address the availability of unappropriated water and effects on existing rights from the aquifer that are pertinent to this application.

WATER AVAILABILITY:

This application proposes to appropriate water from the Ogallala aquifer. The probability of unappropriated water available from the aquifer can be evaluated by considering SDCL 46-6-3.1, which requires "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 this case, the aquifer is not stratigraphically lower than the Greenhorn Formation and the applicant is not a water distribution system.

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 of the aquifer.

The DENR-Water Rights Program monitors 77 observation wells completed into the Ogallala aquifer with seven completed into the portion of the Ogallala aquifer this application proposes to use (Water Rights, 2017a). The existing and proposed well sites are within approximately six miles of four Ogallala aquifer observation wells, GY-78A, GY-77B, GY-57A, and GY-77A, as shown in Figure 1. The hydrographs for the observation wells are shown in Figures 2 through 5, respectively. These hydrographs are representative of this portion of the Ogallala aquifer and the Ogallala aquifer in South Dakota as a whole. In general, the aquifer has stable to rising water levels over the period of record.

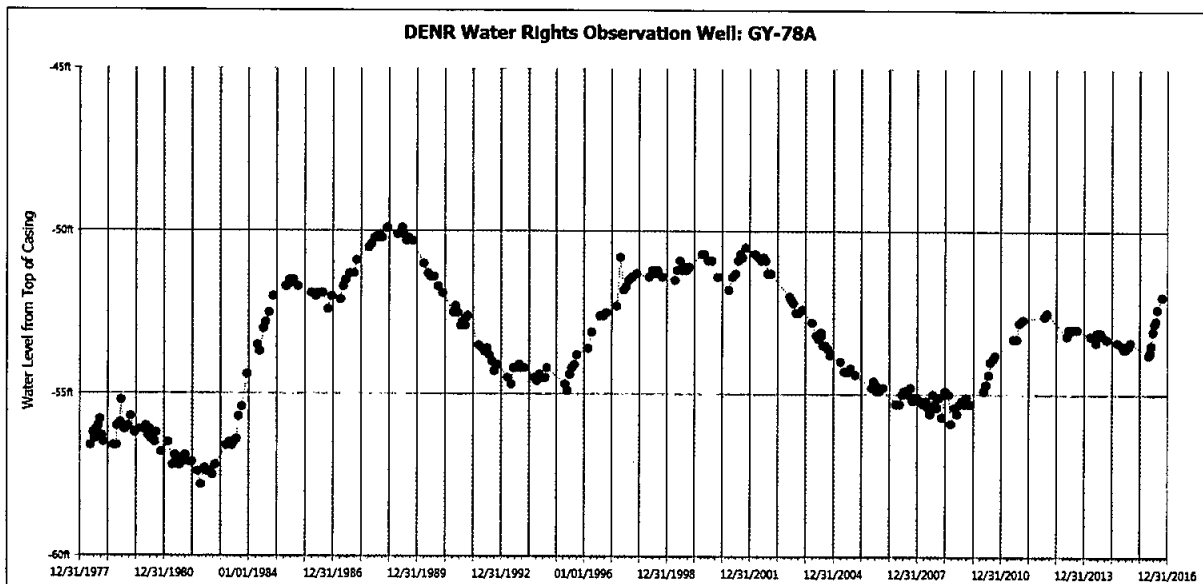


Figure 2- Hydrograph for GY-78A, approximately 3.2 miles north-northeast of the well sites (Water Rights, 2017a)

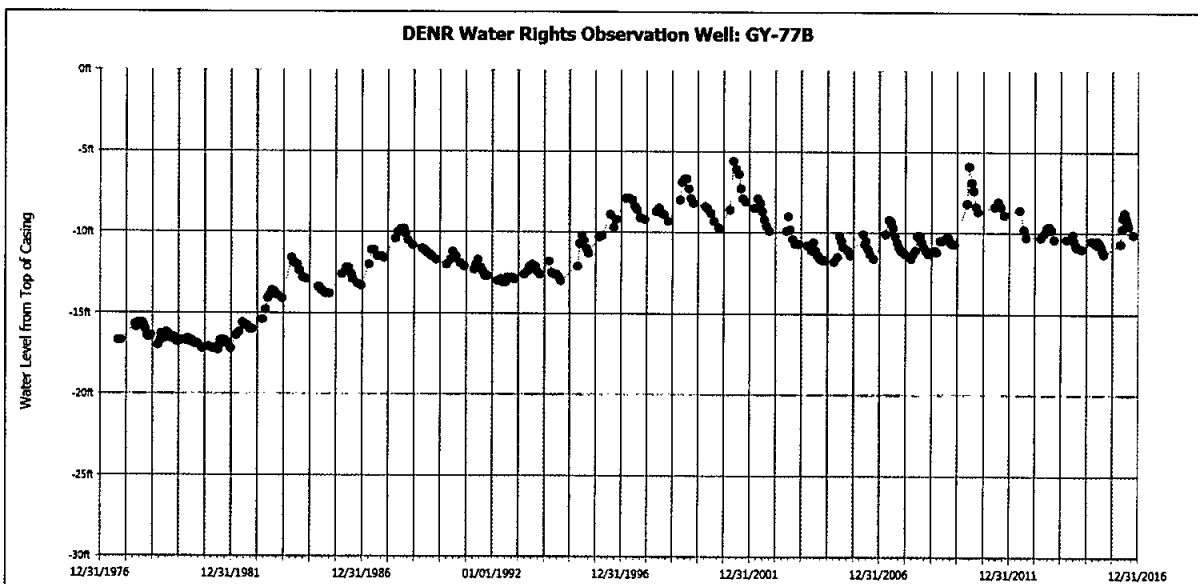


Figure 3- Hydrograph for GY-77B, approximately 4.5 miles northwest of the well sites (Water Rights, 2017a)

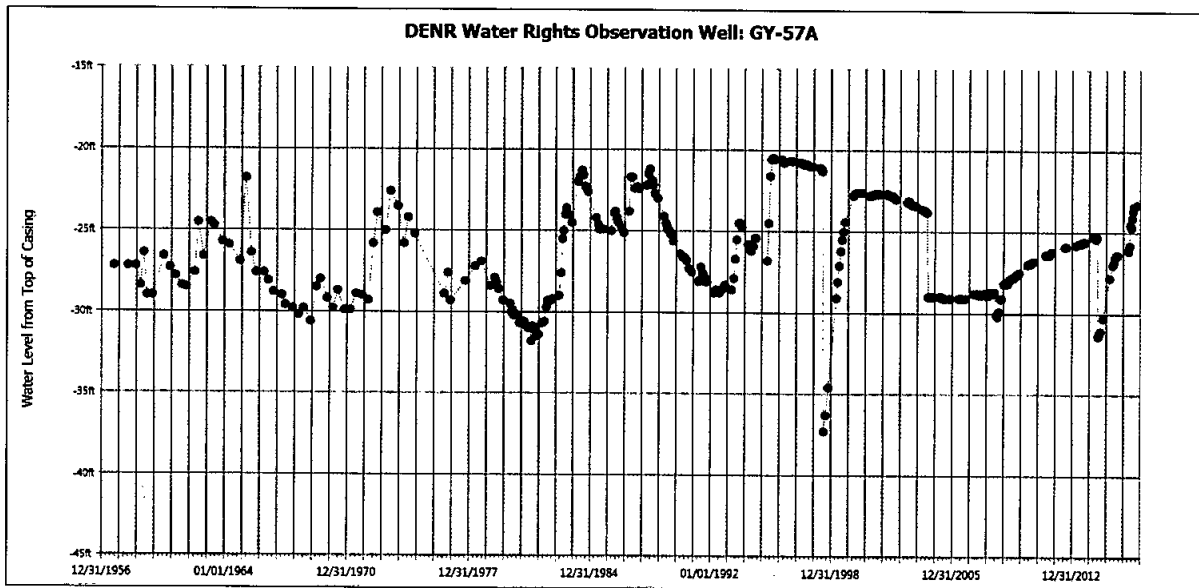


Figure 4- Hydrograph for GY-57A, approximately 5.0 miles east of the well sites (Water Rights, 2017a)

The three low spikes in water level shown in the hydrograph for GY-57A are the result of routine maintenance (pumping with air). After the well was pumped with air it slowly recovered to static water level. When comparing the water level of GY-57A to other observation wells completed into this portion of the Ogallala aquifer, it appears to be representative of this portion of the Ogallala aquifer.

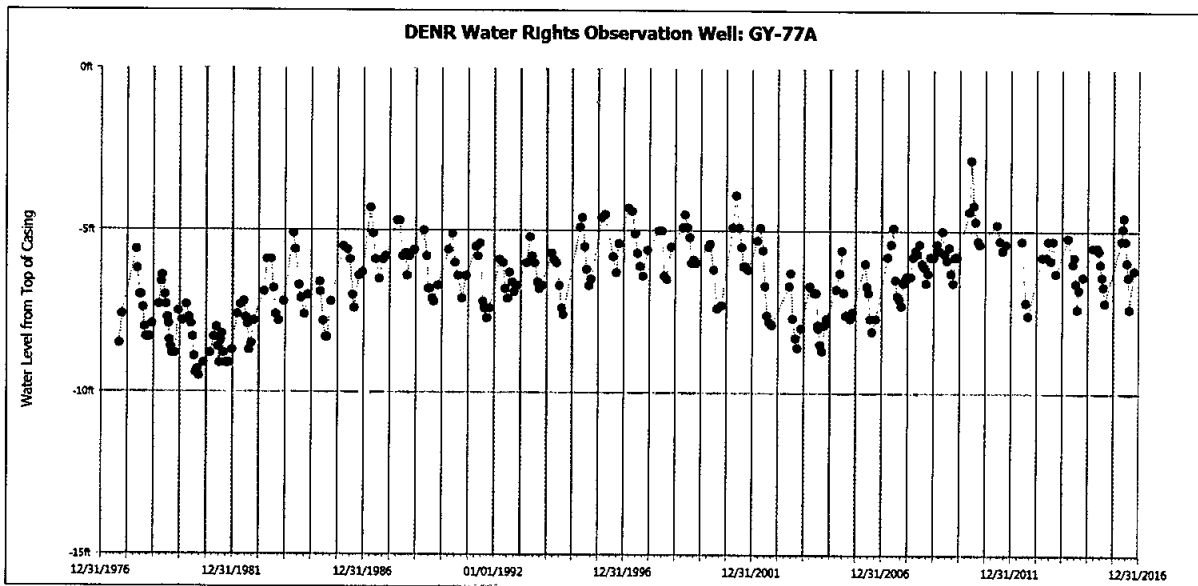


Figure 5- Hydrograph for GY-77A, approximately 5.9 miles northwest of the well sites (Water Rights, 2017a)

The water levels shown in the hydrographs for observation wells GY-78A, GY-77B, GY-57A, and GY-77A document there is little effect caused by total well withdrawal on the water level of this portion of the Ogallala aquifer. The water levels shown in the hydrographs rise during wet

times when recharge exceeds natural discharge plus pumping and slowly declines when natural discharge plus pumping exceeds recharge. The hydrograph for GY-77A shows some short term temporal effect of pumping on the water level, but the water level is still dominated by climate. Figure 6 is a map showing wells authorized by water rights in the vicinity of observation well GY-77A. When the effects of climate dominate the water level of observation wells, it means recharge to and natural discharge from an aquifer significantly exceeds pumping. Natural discharge from an aquifer can be captured for pumping. Therefore, the hydrographs document there is unappropriated water available from this portion of the Ogallala aquifer to support this proposed diversion.

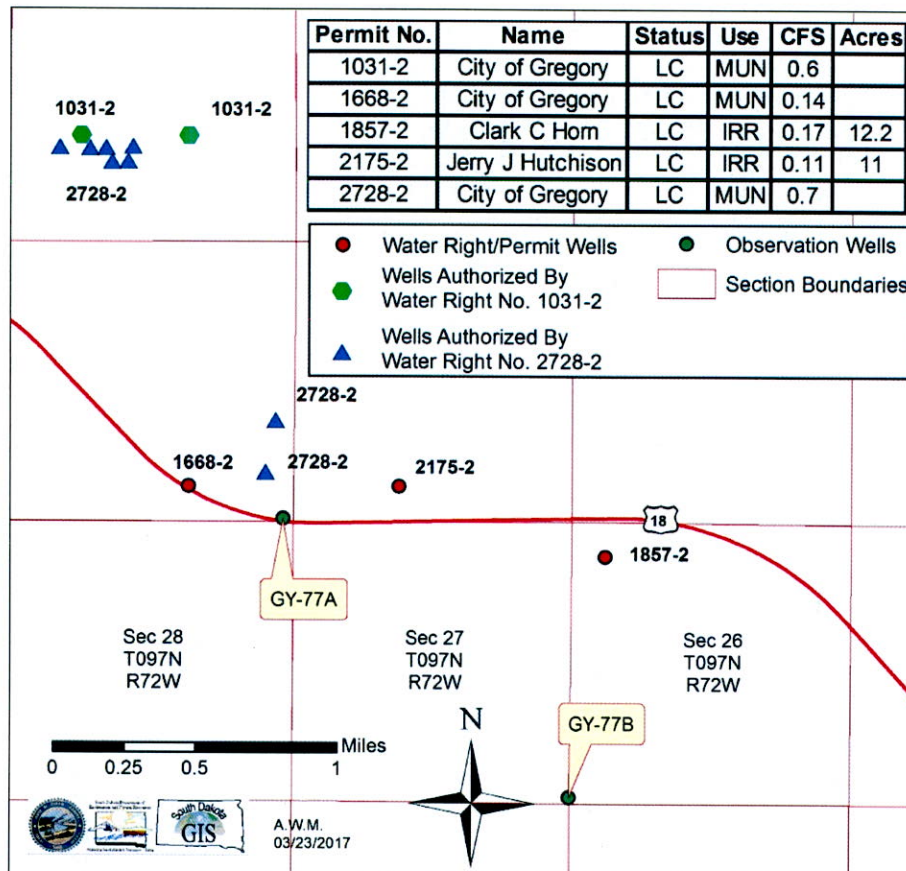


Figure 6- Map of wells authorized by water rights around observation well GY-77A

Recharge and Discharge:

Recharge:

This portion of the Ogallala aquifer is primarily recharged through infiltration of precipitation on the aquifer (Filipovic, 2004). Kolm and Case (1983) estimated a range of recharge rates from 1.3 to 1.8 in/yr. based on eight percent of annual precipitation for their digital model. Hedges and Burch (1985) estimated recharge to the Ogallala aquifer using two different methods, observation well data analysis and base-flow recession analysis. Hedges and Burch (1985) estimated a recharge rate of 1.88 in/yr. using base-flow recession and a range of 2.2 to 3.4 in/yr. using observation well data analysis. Thus, estimated annual recharge to this portion of the Ogallala aquifer ranges from 17,875 to 46,750 ac-ft/yr.

Discharge:

This portion of the Ogallala aquifer discharges through well withdrawals, seepage to streams hydraulically connected sediments, and springs. There are 21 water rights/permits authorizing the withdrawal of water and two future use permits reserving water in this portion of the Ogallala aquifer (Water Rights, 2017b). The non-irrigation water rights/permits are listed in Table 1. Irrigation water rights/permits are listed in Table 2.

Permit No.	Name	Status	Use	CFS	Volume (ac-ft)
256-2	Town of Fairfax	LC	MUN	0.25	108.6
455-2	City of Burke	LC	MUN	0.33	143.3
872-2	City of Burke	LC	MUN	0.26	112.9
1031-2	City of Gregory	LC	MUN	0.6	260.6
1085-2	Schmitz Well Group	LC	RWS	0.06	26.1
1603-2	City of Bonesteel	LC	MUN	0.07	30.4
1622-2	City of Gregory	FU	MUN		269**
1660-2	City of Burke	FU	MUN		396**
1661-2	City of Burke	LC	MUN	0.1	43.4
1668-2	City of Gregory	LC	MUN	0.14	60.8
1719-2	East Gregory County RWS	LC	RWS	0.2	86.9
1842-2	Town of Herrick	LC	MUN	0.16	69.5
2065A-2	City of Burke	LC	MUN	0.21	91.2
2091-2	City of Bonesteel	LC	MUN	0.1	43.4
2339-2	Town of Herrick	LC	MUN	0.22	95.6
2435-2	East Gregory County RWS	LC	RWS	0.28	121.6
2728-2	City of Gregory	LC	MUN	0.7	309*
Total					2268.5
LC= Water Right, FU= Future Use, PE= Water Permit, MUN= Municipal, RWS= Rural Water System					
*= Permitted Volume, **= Reserved Volume					

Table 1- Non-irrigation water rights/permits and future use permits authorized to withdraw or reserve water from the same portion of the Ogallala aquifer Application No. 2758-2 proposes to use (Water Rights, 2017b)

Permit No.	Name	Status	Use	CFS	Acres
1857-2	Clark C Horn	LC	IRR	0.17	12.2
2175-2	Jerry J Hutchison	LC	IRR	0.11	11
2330-2	City of Burke	LC	IRR	0.35	55
2604-2	City of Gregory	LC	IRR	0.5	3.5
2625-2	Raymond J Yager	PE	IRR	0.86	60
2691-2	Chad Kehn	PE	IRR	2	180

Table 2- Irrigation water rights/permits authorized to withdraw from the same portion of the Ogallala aquifer Application No. 2758-2 proposes to use (Water Rights, 2017b)

The volumes listed in Table 1 were estimated by assuming pumping at the maximum permitted diversion rate for 60 percent of the time. Water Right No. 2728-2 has a permitted volume of 309 ac-ft/yr. Future Use Permit No. 1622-2 and 1660-2 reserve 269 and 396 ac-ft/yr. The estimated annual pumpage by non-irrigation appropriations plus full development of the future use permits is 2,268.5 ac-ft/yr. Figure 7 is a map showing the wells authorized by water rights/permits to withdraw water from the same portion of the Ogallala aquifer this application proposes to use.

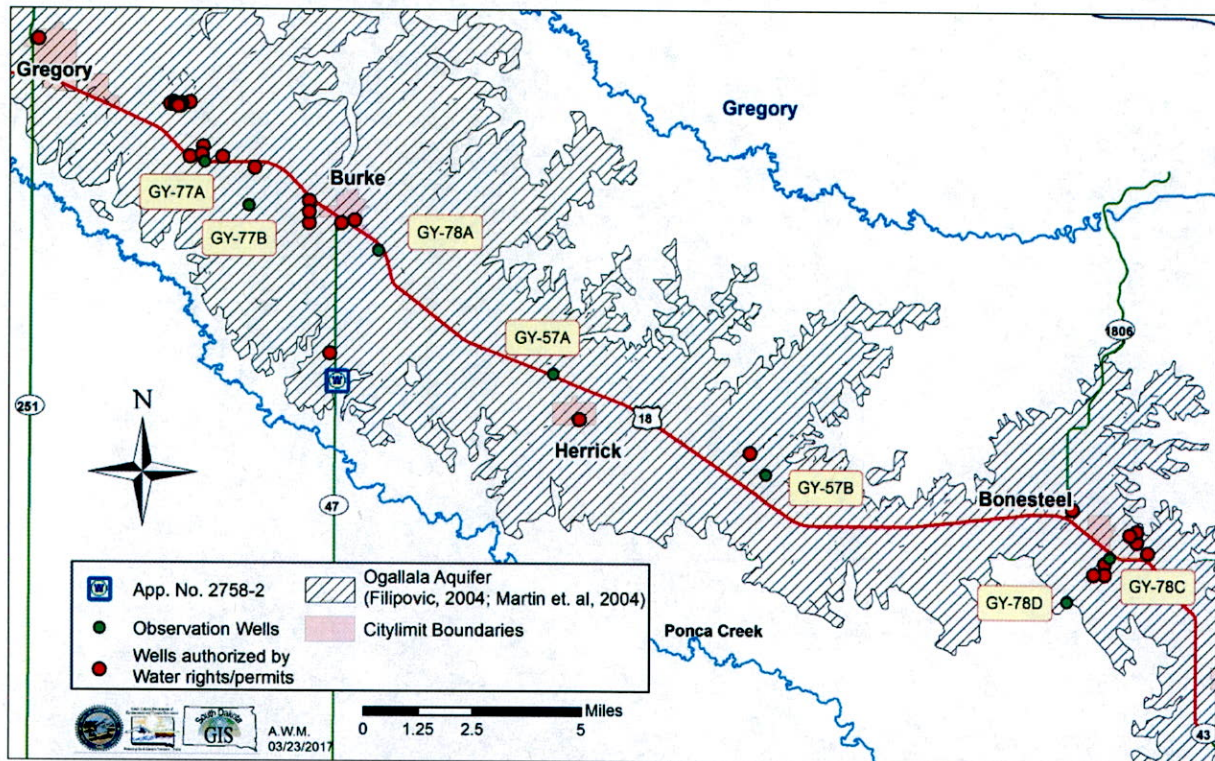


Figure 7- Map of wells authorized by water rights/permits to withdraw water from the portion of the Ogallala aquifer Application No. 2758-2 proposes to use (Water Rights, 2017b)

There are a number of domestic wells completed into this portion of the Ogallala aquifer (Water Rights, 2017c). However, the annual withdrawal for domestic use is not significant to the hydrologic budget of the aquifer. Table 3 shows the irrigation pumping history from this portion of the Ogallala aquifer.

Date	No. of Permits Reporting	Appropriation (ac-ft)	Pumpage (ac-ft)
1982	1	900	0
1983	2	2325	13.39
1984	1	2256	0
1985	2	2325	0.3
1986	3	2349	20.2
1987	3	2349	5.9
1988	3	2349	13.9
1989	3	2349	22
1990	3	2349	10
1991	3	1499.4	21
1992	2	74.4	0.8
1993	2	74.4	0
1994	2	46.4	16.83
1995	3	211.4	24.06
1996	3	211.4	57.8
1997	3	211.4	46
1998	3	211.4	38.79
1999	3	211.4	30.05
2000	3	211.4	45.91
2001	3	211.4	131.96
2002	3	211.4	85.13
2003	3	211.4	46.07
2004	3	211.4	99.52
2005	3	211.4	105.55
2006	4	218.4	103.8
2007	4	218.4	75.62
2008	5	338.4	42.91
2009	5	338.4	60.22
2010	5	338.4	74.58
2011	5	338.4	81.4
2012	5	338.4	112.63
2013	6	698.4	68.38
2014	6	698.4	96.7
2015	6	698.4	110.38
Min	1	46.4	0
Max	6	2349	131.96
Avg.	3.4	817.5	48.9

Table 3- Irrigation history from the portion of the Ogallala aquifer Application No. 2758-2 proposes to withdraw water from (Water Rights, 1982-2016)

Hydrologic Budget:

The estimated average annual recharge to the portion of the Ogallala aquifer this application proposes to use ranges from 17,875 to 46,750 ac-ft/yr. The estimated average annual pumpage is less than 2,500 ac-ft/yr. This application proposes to appropriate 63 ac-ft/yr. The difference between estimated average annual recharge and average annual withdrawals concurs with the observation well data. Therefore, there is a reasonable probability unappropriated water is available for this proposed appropriation.

EXISTING WATER RIGHTS:

The existing well site and proposed well site for Application No. 2758-2 are approximately 0.6 miles south of the well site authorized by Water Permit No. 2625-2 for Raymond Yager (Water Rights, 2017b). The next nearest appropriative wells are three miles away. It is likely there are domestic wells completed into this portion of the Ogallala aquifer within approximately one mile of the well sites this application proposes to use.

The Ogallala aquifer at the existing well this application proposes to use is under unconfined conditions. Drawdown created from pumping a well in an unconfined aquifer is minimal within a short distance of the well. Although many of the assumptions of the Theis Equation are not valid in this case, it can be used to provide a general estimate of drawdown. Assuming the parameter values shown in Table 4, the estimated drawdown 0.6 miles after continuously pumping for 219 days is 0.25 feet (Utah, 2017). It would take 219 days of continuous pumping at the requested diversion rate to pump the annual volume requested of 63 ac-ft. The effects of boundary conditions could increase the drawdown 0.6 miles away from the pumping well.

Pump Rate	Transmissivity	Distance from Pumping Well	Aquifer Storativity	Time Since Pumping Began	Drawdown
cfs	ft ² /day	miles		days	feet
0.14	450	0.6	0.092	219	0.25

Table 4- Theis Equation values

Observation well GY-77A is within 1.5 miles of several wells operated by the City of Gregory under Water Right Nos. 1031-2, 1668-2, and 2728-2. The hydrograph shows minimal effects caused by pumping the City of Gregory's wells on the water level in the observation well. This application proposes a diversion rate of 0.14 cfs (65 gallons per minute). The relatively low diversion rate means the amount of drawdown created from pumping the existing well or the proposed well will be relatively limited. Precise estimates of drawdown cannot be determined without aquifer testing. The 63 ac-ft/yr. requested by the applicant is slightly more than double the 29 ac-ft/yr. allowed for each domestic user at 18 gallons per minute continuously. Considering all that information, it is probable this proposed diversion will not adversely impact existing water users.

The Water Management Board defined an "adversely impacted domestic well" in ARSD 74:02:04:20(7) as:

"a well in which the pump intake was set at least 20 feet below the top of the aquifer at the time of construction or, if the aquifer is less than 20 feet thick, is as near to the bottom of the aquifer as is practical and the water level of the aquifer has declined to a level that the pump will no longer deliver sufficient water for the well owner's needs".

Nearby adequate wells are not expected to be adversely impacted as defined in ARSD 74:02:04:20(7). However out of an abundance of caution if this application is approved, the water permit should include a qualification the well owner should control their withdrawals so there is not a reduction of needed water supplies for adequate domestic wells or for adequate wells having prior water rights. When all of the above factors are considered, there is a reasonable probability the proposed diversion can be made without adversely impacting existing appropriative or domestic water users.

SPECIAL CONSIDERATION:

There has been some history of opposition to development of appropriative use of water from this portion of the Ogallala aquifer. A letter of opposition to this application has already been filed by Raymond Yager. Mr. Yager indicated a number of local residents also intend to oppose

this application. The applicant, A.J. Steffen, previously petitioned as one of nine people in opposition to approval of Mr. Yager's permit, Water Permit No. 2625-2. A hearing in front of the Water Management Board was held on May 7, 2008, on Application No. 2625-2. Mr. and Mrs. Yager appeared along with a concerned but not in opposition neighbor, Pat Cerny. Application No. 2625-2 was approved by the Board without findings of fact and conclusions of law. The construction period for Water Permit No. 2625-2 ended May 2013, but there is no well completion report on file with the DENR-Water Rights Program (Water Rights, 2017b and 2017c). Notes on Mr. Yager's annual irrigation questionnaires indicate he was unable to find sufficient aquifer material to support a well and was attempting to supply his irrigation system with a dam. In January 2010, Mr. Yager was sent a notice of cancellation. Mr. Yager requested the cancellation be put on hold because he still wanted to use a well for his irrigation project. Since 2013, Mr. Yager's annual irrigation questionnaires have indicated there was sufficient moisture. The 2012 questionnaire indicated the system was not yet constructed.

Water Permit No. 2691-2 for Chad Kehn was opposed for concerns of lack of available water and potential impacts on existing water users. The well authorized by Water Permit No. 2691-2 is approximately 9.7 miles east-southeast of the well sites this application proposes to use. Water Permit No. 2691-2 was approved after a hearing in front of the Water Management Board.

Mr. Yager's letter of opposition to Application No. 2758-2 stated he has a few issues with this application: 1) "...the negative impact the request for an increase of water will have on our current well...", 2) "...as well as adding to the contamination of surrounding ground water and wells...", 3) air quality deterioration due to manure dust from the current feedlot operation, and 4) "...smell, dust and insects have grown exponentially and is often times untenable for us." Issues 3 and 4 are public interest issues and will not be addressed in this report. Issue 2 is a concern about the potential for contamination of the surrounding groundwater and wells. That has to do with the applicant's feedlot and manure management and would be addressed by the review of a permit application by the DENR-Feedlot Program. It is also a public interest issue. Issue 1 states concerns about potential on Mr. Yager's well. As previously stated, there is more annual recharge than there are withdrawals from this portion of the Ogallala aquifer. Furthermore, the limited diversion rate proposed by this application and the distance between the well this application proposes to use and the Mr. Yager's well means there is a low probability of impacts from pumping this proposed diversion on Mr. Yager's well. There is no information available to determine if Mr. Yager's well is adequate.

CONCLUSIONS:

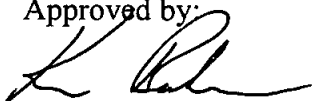
1. Application No. 2758-2 proposes to authorize the appropriation of 63 ac-ft/yr. at a maximum diversion rate of 0.14 cfs the Ogallala aquifer for commercial use in a livestock facility in Gregory County.
2. The existing well and proposed well site are in an erosional remnant of the Ogallala aquifer that covers portions of Gregory County and extends into Boyd County, Nebraska.
3. Based on the observation well data and a hydrologic budget, there is a reasonable probability unappropriated water is available for this proposed appropriation.

4. There is a reasonable probability the diversion proposed by this application can be made without adversely impacting existing appropriative or domestic users.



Adam Mathiowetz, PE
SD DENR-Water Rights Program

Approved by:



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 Resource Inventory. Prepared for: Planning Division U.S. Army Corps of Engineers Contract DACW45-82-C-0151. SD DENR-Geological Survey. Vermillion, SD.
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- Water Rights. 2017b. Water Right/Permit Files. SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, South Dakota.
- Water Rights. 2017c. Well Completion Reports. SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, South Dakota.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

denr.sd.gov

March 30, 2017

Raymond J. & Julie R. Yager
PO Box 7
Burke SD 57523

Dear Mr. and Mrs. Yager:

Enclosed is the report, recommendation and public notice for Water Permit Application No. 2758-2 filed by Steffen Farms LLC. The application proposes to appropriate water from the Ogallala aquifer for a livestock confinement facility in Gregory County. The public notice is to be published April 5, 2017 in the Burke Gazette and Mitchell Daily Republic. This notice schedules a hearing before the Water Management Board on May 11, 2017.

This information is being sent as a courtesy based on the fact you submitted a letter to DENR opposing the application. Your letter was received prior to public notice that set forth the process for petitioning to intervene in the hearing process. To insure party status at the time of the hearing, I encourage you to refile your letter regarding the application.

If you have any questions regarding DENR's review of the application, please contact Adam Mathiowetz or myself at (605) 773-3352.

Sincerely,

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

enclosures

Water Rights Program
File Documentation

NAME OF PERSON OR FILE: Susan and Dwaine Umberger

DATE: April 11, 2017 TELEPHONE: 605-775-2477

EMAIL: dwaineumberger@gmail.com

RE: Concerns about App No. 2758-2 and inquiry regarding filing an irrigation application

COMMENTS:

Dwaine Umberger called at 10:00 a.m. on April 10, 2017 to discuss potentially applying for an irrigation application in the vicinity of the well(s) proposed by App. No. 2758-2 and the location and general extent of the Ogallala aquifer. Mr. Umberger asked if we had any aquifer maps. I emailed him the link to a copy of Filipovic's (2004) "Hydrogeologic Assessment of the High Plains Aquifer in Tripp and Gregory Counties, South Dakota" from the SD DENR-Geological Survey. The email also included links to the SD DENR-Geological Survey and U.S. Geological Survey publications search websites with basic search suggestions. The email stated that if he had questions on aquifer maps or the specific map I sent him to contact the SD DENR-Geological Survey. Mr. Umberger enquired about potentially applying for an irrigation permit depending on the outcome and availability of water for App. No. 2758-2. Mr. Umberger also noted that Ray Yager (Permit No. 2625-2) right across the road from Mr. Umberger had difficulty finding a well that would support his irrigation project. Mr. Umberger also asked about the Gregory County "Pump Storage Study". I told him I had never heard of it, but would ask around and call him back. Water Rights staff engineer Ken Buhler told me that it was a "dead" project that used to have a future use permit (Future Use Permit No. 2472-2) that was cancelled on July 6, 2016. I called Mr. Umberger back at 11:00 a.m. to tell him what I found about the "Pump Storage Study".

Susan Umberger left a message at 4:00 p.m. and I replied by phone at 4:10 p.m. on April 10, 2017. Susan had previously discussed concerns regarding App. No. 2758-2 with Water Rights Program staff engineer Eric Gronlund on April 5, 2017. On April 10, 2017, Susan's concerns were regarding a possible discrepancy between the proposed well depth (40 feet) and their understanding that it was 1,800 feet down to the Ogallala aquifer. We discussed the depth to the

aquifer and the location of the formation as well as some basics on how to read the map in Filpovic's (2004) report I emailed to Mr. Umberger earlier in the day.

We also discussed the Umberger's two approximately 60 feet deep wells. One she believed was hand dug in the 1920's. Mrs. Umberger stated that she used one well to water their garden and in August she generally cannot pump as much water or for as long as earlier in the year without drying up the well. She also stated that because of their water concerns they installed a water efficient washing machine and a walk in shower instead of a walk in tub to use less water. She also said she has heard "everyone" saying the aquifers are shrinking. I told her about the temporal drawdown caused by having more withdrawals from the aquifer than recharge in summer, particularly August which she mentioned previously, and that in late-winter and spring there is more recharge than withdrawals, but on the whole recharge is greater than withdrawals in the aquifer. We discussed how a well is constructed and works. I also discussed with her well screens and how the access for water to enter the well can and does get plugged over time. She then expressed concerns about how much water and cattle A.J. Steffen, the applicant for App. No. 2758-2, would use and for how long. I informed her about the five year construction period and the inspection and licensing of the water permit. That included discussing if the applicant under or over built and how we would license to as constructed and if over constructed would require the applicant to get a new permit or reduce use to the existing permit. Mrs. Umberger still had concerns but was satisfied with our discussion. She said they have yet to decide whether they are going to file a petition or not.



Adam Mathiowetz
Natural Resources Engineer
DENR-Water Rights Program

AFFIDAVIT OF PUBLICATION

RECEIVED

APR 10 2017

WATER RIGHTS
PROGRAM

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF DAVISON)

*See
Attached*

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, April 5, 2017

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: \$145.29

Signed: Penny Hohbach

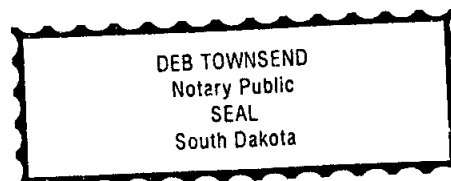
Subscribed and sworn to before me this 6th day of April, 2017.

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



LEGALS

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case, the Chief Engineer finds that this application presents important issues of public interest that should be heard by the Water Management Board.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends Approval of Application No. 2758-2 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.

The Water Management Board will consider this application at 1:00 pm on May 11, 2017 in the Matthew Training Center, Joe Foss Bldg, 523 E. Capitol Ave, Pierre SD. The Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny this application based on the facts presented at the public hearing.

Any interested person who intends to participate in the hearing shall file a petition to oppose or support the application and the petition shall be filed with BOTH the applicant and Chief Engineer. The applicant must also file a petition if opposed to 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 May 1, 2017.

The petition may be informal, but shall be in writing and shall 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. The hearing is an adversary proceeding and any party has the right to be present at the hearing and to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised at the hearing and decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

The May 11, 2017 hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from the applicant or any person who has filed a petition to oppose or support the application. The request for an automatic delay must be filed by May 1, 2017. If an automatic delay is requested, the hearing will be rescheduled for a future Board meeting and personal notice will be provided to all petitioners regarding the time, date and location.

Notice is given to individuals with disabilities that this hearing is being

held in a physically accessible place. Please notify the Department of Environment and Natural Resources at least 48 hours before the hearing if you have a disability for which special arrangements must be made at the hearing. The telephone number for making arrangements is (605) 773-3352.

Under SDCL 1-26-17(7) notices must state that "if the amount in controversy exceeds \$2,500.00 or if a property right may be terminated, any party to the contested case may require the agency to use the Office of Hearing Examiners by giving notice of the request to the agency no later than ten days after service of a notice of hearing issued pursuant to SDCL 1-26-17." This is a Notice of Hearing, service is being provided by publication, and the applicable date to give notice to the Chief Engineer is April 17, 2017. However, since this particular matter is a water permit application and not a monetary controversy in excess of \$2,500.00 or termination of a property right the Chief Engineer disputes the applicability of this provision and maintains that the hearing must be conducted by the Board.

As applicable, the following provides the legal authority and jurisdiction under which the hearing will be held and the particular statutes and rules pertaining to this application: SDCL 1-26-16 thru 1-26-28; SDCL 46-1-1 thru 46-1-9, 46-1-13 thru 46-1-16; 46-2-3.1, 46-2-9, 46-2-11, 46-2-17; 46-2A-1 thru 46-2A-12, 46-2A-14,

46-2A-15, 46-2A-20, 46-2A-21, 46-2A-23; 46-5-1.1, 46-5-2 thru 46-5-26, 46-5-30.2 thru 46-5-30.4, 46-5-31, 46-5-32 thru 46-5-34.1, 46-5-38 thru 46-5-39, 46-5-46, 46-5-47, 46-5-49, 46-6-1 thru 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14, 46-6-21, 46-6-26; and Board Rules ARSD 74:02:01:01 thru 74:02:01:25.02.

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

Published once at a total
approximate cost of
\$145.29

NOTICE OF HEARING ON WATER PERMIT APPLICATION NO. 2758-2 to Appropriate Water

Notice is given that Steffen Farms LLC c/o A J Steffen, 34419 295th St, Burke SD 57523 has filed an application for a water permit to appropriate 63 acre-feet of water annually at a maximum diversion rate of 0.14 cubic feet of water per second from an existing well and a new well to be completed into the Ogallala Aquifer (40 feet deep) located in the NW 1/4 NW 1/4 Section 19 for commercial use in a livestock facility located in the NW 1/4 Section 19; all in T96N-R71W.

SDCL 46-2A-4(10) provides that "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 Chief Engineer's recommendation and no hearing may be held before the board, unless the Chief Engineer makes a finding that an application, even if uncontested, presents important issues of public policy or public interest that should be heard by the board." In this

RECEIVED

APR 10 2017

WATER RIGHTS
PROGRAM

Affidavit Of Publication

STATE OF SOUTH DAKOTA
COUNTY OF GREGORY

ss.

C. J. FAHRENBACHER of said county being first duly sworn, on oath says that he is the publisher of THE BURKE GAZETTE, a weekly newspaper printed and published in Burke said County of Gregory and has full and personal knowledge of all facts herein stated; that said newspaper is a legal newspaper and has a bona-fide circulation of at least two hundred copies weekly, and has been published within said county for fifty-two successive weeks next prior to the publication of the notice herein mentioned, and was and is printed wholly or in part in an office maintained at said place of publication; that the

DENR-Notice of Hearing-Steffen Farms LLC

a printed copy of which, taken from the paper in which the same was printed, is attached to this sheet, and is made a part of this Affidavit, was published in said newspaper at least once in each

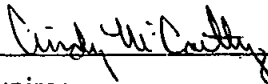
week for 1 successive weeks, on the day of each week on which said newspaper was regularly published, to-wit:

4/5/17

that the full amount of the fees for the publication of the annexed notice is \$ 66.22



Subscribed and sworn to before me this 5th day
of April, 2017.



Commission Expires
October 30, 2021

Notary Public
County of Gregory, South Dakota

*Beginning of
Notice on 2nd page*

requested, the hearing will be re-scheduled for a future Board meeting and personal notice will be provided to all petitioners regarding the time, date and location.

Notice is given to individuals with disabilities that this hearing is being held in a physically accessible place. Please notify the Department of Environment and Natural Resources at least 48 hours before the hearing if you have a disability for which special arrangements must be made at the hearing. The telephone number for making arrangements is (605) 773-3352.

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As applicable, the following provides the legal authority and jurisdiction under which the hearing will be held and the particular statutes and rules pertaining to this application: SDCL 1-26-16 thru 1-26-28; SDCL 46-1-1 thru 46-1-9, 46-1-13 thru 46-1-16; 46-2-3.1, 46-2-9, 46-2-11, 46-2-17; 46-2A-1 thru 46-2A-12, 46-2A-14, 46-2A-15, 46-2A-20, 46-2A-21, 46-2A-23; 46-5-1.1, 46-5-2 thru 46-5-26, 46-5-30.2 thru 46-5-30.4, 46-5-31, 46-5-32 thru 46-5-34.1, 46-5-38 thru 46-5-39, 46-5-46, 46-5-47, 46-5-49; 46-6-1 thru 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14, 46-6-21, 46-6-26; and Board Rules ARSD 74:02:01:01 thru 74:02:01:25.02.

Steven M. Pirner, Secretary,
Department of Environment and
Natural Resources. Published once,
at an approximate cost of \$ 66.22.

NOTICE OF HEARING ON WATER PERMIT APPLICATION NO. 2758-2 to Appropriate Water

Notice is given that Steffen Farms LLC c/o A J Steffen, 34419 295th St, Burke SD 57523 has filed an application for a water permit to appropriate 63 acre-feet of water annually at a maximum diversion rate of 0.14 cubic feet of water per second from an existing well and a new well to be completed into the Ogallala Aquifer (40 feet deep) located in the NW 1/4 NW 1/4 Section 19 for commercial use in a livestock facility located in the NW 1/4 Section 19; all in T96N-R71W.

SDCL 46-2A-4(10) provides that "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 Chief Engineer's recommendation and no hearing may be held before the board, unless the Chief Engineer makes a finding that an application, even if uncontested, presents important issues of public policy or public interest that should be heard by the board." In this case, the Chief Engineer finds that this application presents important issues of public interest that should be heard by the Water Management Board.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends Approval of Application No. 2758-2 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.

The Water Management Board will consider this application at 1:00 pm on May 11, 2017 in the Matthew Training Center, Joe Foss Bldg, 523
Continued on Page 10

E. Capitol Ave. Pierre SD. The Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny this application based on the facts presented at the public hearing.

Any interested person who intends to participate in the hearing shall file a petition to oppose or support the application and the petition shall be filed with BOTH the applicant and Chief Engineer. The applicant must also file a petition if opposed to 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 May 1, 2017.

The petition may be informal, but shall be in writing and shall 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. The hearing is an adversary proceeding and any party has the right to be present at the hearing and to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised at the hearing and decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

The May 11, 2017 hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from the applicant or any person who has filed a petition to oppose or support the application. The request for an automatic delay must be filed by May 1, 2017. If an automatic delay is

Schlaak, Karen

From: Schlaak, Karen
Sent: Friday, March 31, 2017 8:13 AM
To: cindy - Burke Gazette (burkegaz@gwtc.net)
Subject: 2758-2, Steffen Farms LLC
Attachments: 2758-2public.wmb1.docx; FORM8.FRM.doc

Attached is a notice to be published on April 5, 2017.

Steffen Farms LLC, c/o A J Steffen, 34419 295th St, Burke SD 57523 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
SD DENR, Water Rights Program
(605) 773-3352



Schlaak, Karen

From: Schlaak, Karen
Sent: Friday, March 31, 2017 8:14 AM
To: 'phohbach@mitchellrepublic.com'
Subject: 2758-2, Steffen Farms LLC
Attachments: 2758-2public.wmb1.docx; FORM8.FRM.doc

Attached is a notice to be published on April 5, 2017.

Steffen Farms LLC, c/o A J Steffen, 34419 295th St, Burke SD 57523 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

SD DENR, Water Rights Program
(605) 773-3352



Schlaak, Karen

From: Schlaak, Karen
Sent: Friday, March 31, 2017 8:17 AM
To: dailyclass@mittchellrepublic.com
Subject: FW: 2758-2, Steffen Farms LLC
Attachments: 2758-2public.wmb1.docx; FORM8.FRM.doc

I got an out of office reply from Penny so I'm sending this notice to you.
Karen

From: Schlaak, Karen
Sent: Friday, March 31, 2017 8:14 AM
To: 'phohbach@mittchellrepublic.com'
Subject: 2758-2, Steffen Farms LLC

Attached is a notice to be published on April 5, 2017.

Steffen Farms LLC, c/o A J Steffen, 34419 295th St, Burke SD 57523 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
SD DENR, Water Rights Program
(605) 773-3352





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

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

March 30, 2017

Steffen Farms LLC
c/o A J Steffen
34419 295th St
Burke SD 57523

Dear Mr. Steffen:

Water Permit Application No. 2758-2 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 Burke Gazette printed at Burke SD (Ph # 605 775-2612) 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.

NOTICE OF HEARING ON WATER PERMIT APPLICATION NO. 2758-2 to Appropriate Water

Notice is given that Steffen Farms LLC c/o A J Steffen, 34419 295th St, Burke SD 57523 has filed an application for a water permit to appropriate 63 acre-feet of water annually at a maximum diversion rate of 0.14 cubic feet of water per second from an existing well and a new well to be completed into the Ogallala Aquifer (40 feet deep) located in the NW 1/4 NW 1/4 Section 19 for commercial use in a livestock facility located in the NW 1/4 Section 19; all in T96N-R71W.

SDCL 46-2A-4(10) provides that “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 Chief Engineer’s recommendation and no hearing may be held before the board, unless the Chief Engineer makes a finding that an application, even if uncontested, presents important issues of public policy or public interest that should be heard by the board.” In this case, the Chief Engineer finds that this application presents important issues of public interest that should be heard by the Water Management Board.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends Approval of Application No. 2758-2 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.

The Water Management Board will consider this application at 1:00 pm on May 11, 2017 in the Matthew Training Center, Joe Foss Bldg, 523 E. Capitol Ave. Pierre SD. The Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny this application based on the facts presented at the public hearing.

Any interested person who intends to participate in the hearing shall file a petition to oppose or support the application and the petition shall be filed with BOTH the applicant and Chief Engineer. The applicant must also file a petition if opposed to 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 May 1, 2017.

The petition may be informal, but shall be in writing and shall 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. The hearing is an adversary proceeding and any party has the right to be present at the hearing and to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised at the hearing and decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

The May 11, 2017 hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from the applicant or any person who has filed a petition to oppose or support the application. The request for an automatic delay must be filed by May 1, 2017. If an automatic delay is requested, the hearing will be rescheduled for a future Board meeting and personal notice will be provided to all petitioners regarding the time, date and location.

Notice is given to individuals with disabilities that this hearing is being held in a physically accessible place. Please notify the Department of Environment and Natural Resources at least 48 hours before the hearing if

you have a disability for which special arrangements must be made at the hearing. The telephone number for making arrangements is (605) 773-3352.

Under SDCL 1-26-17(7) notices must state that "if the amount in controversy exceeds \$2,500.00 or if a property right may be terminated, any party to the contested case may require the agency to use the Office of Hearing Examiners by giving notice of the request to the agency no later than ten days after service of a notice of hearing issued pursuant to SDCL 1-26-17." This is a Notice of Hearing, service is being provided by publication, and the applicable date to give notice to the Chief Engineer is April 17, 2017. However, since this particular matter is a water permit application and not a monetary controversy in excess of \$2,500.00 or termination of a property right the Chief Engineer disputes the applicability of this provision and maintains that the hearing must be conducted by the Board.

As applicable, the following provides the legal authority and jurisdiction under which the hearing will be held and the particular statutes and rules pertaining to this application: SDCL 1-26-16 thru 1-26-28; SDCL 46-1-1 thru 46-1-9, 46-1-13 thru 46-1-16; 46-2-3.1, 46-2-9, 46-2-11, 46-2-17; 46-2A-1 thru 46-2A-12, 46-2A-14, 46-2A-15, 46-2A-20, 46-2A-21, 46-2A-23; 46-5-1.1, 46-5-2 thru 46-5-26, 46-5-30.2 thru 46-5-30.4, 46-5-31, 46-5-32 thru 46-5-34.1, 46-5-38 thru 46-5-39, 46-5-46, 46-5-47, 46-5-49; 46-6-1 thru 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14, 46-6-21, 46-6-26; and Board Rules ARSD 74:02:01:01 thru 74:02:01:25.02.

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

RECEIVED

APR 21 2017

WATER RIGHTS
PROGRAM

April 15, 2017

Department of Energy and Natural Resources
Division of Environmental Services
Joe Foss Building
523 E. Capital
Pierre, South Dakota 50501-3182

Re: Well permit 2758-2/Steffen Farms LLC, feedlot

Dear Sirs:

This letter is to serve as notification that we oppose the issuance of the above referenced permit to Steffen Farms, LLC.

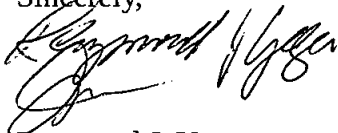
The reasons for our objection is due to the negative impact the request for an increase of water will have on our current well, as well as adding to the contamination of surrounding ground water and wells.

The past couple of years, we have experienced a deterioration of air quality with manure dust generated from the current operation of the this feedlot. The smell, dust and insects have grown exponentially and is often times untenable for us. Please do not allow for further damage to be done to our lives.

In the event that there will be a public meeting, please allow us the opportunity to appear to state our case.

Thank you.

Sincerely,



Raymond J. Yager
Julie R. Yager
29429 SD Hwy 47
P.O. Box 7
Burke, South Dakota 57523
605-775-2345

cc: Steffen Farms LLC c/o AJ Steffen

April 23, 2017

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APR 26 2017

WATER RIGHTS
PROGRAM

Chief Engineer
Water Rights Program
Foss Building 523 E Capitol
Pierre, SD 57501

Chief Engineer:

This is a letter of opposition to the application for a water permit filed by Steffen Farms LLC c/o A J Steffen, 34419 295th St, Burke SD 57523 to appropriate 63 acre feet of water annually at a maximum diversion rate of 0.14 cubic feet of water per second from an existing well and a new well to be completed into the Ogallala Aquifer (40 feet deep) located on his farm for commercial use in a feedlot facility.

That is an astronomical amount of water for one farm to be taking from the aquifer. This is a feedlot not a city. Mr. Steffen already has one well. By putting down a well the size he proposes, he will have access to an unlimited amount of water without cost or monitoring of the amount or use. Once this size well is approved, Mr. Steffen can withdraw twice the stated amount. This operation has a history of not being truthful.

I am concerned as to how a withdrawal of this magnitude is going to affect the overall level of the Aquifer. How is it determined that there is actually that much unappropriated water available for the taking? Just about every farm in the countryside has a well in the Aquifer, as do the cities, and West River Rural Water. My farm well has been in place in the Aquifer for 40 years. The Aquifer level is affected by over use, drought, and floods indicating that existing wells can be compromised by those not protective of our environmental components.

This well would certainly be beneficial use to the feedlot—but NOT to the surrounding neighborhood and community.

As for it being in the public interest, that depends on what sector of public you are asking. It would be to the Steffen Farms and those associated with them, but definitely NOT to the surrounding neighbors and communities they would be taking from.

For these reasons I am asking you to disapprove this application for a water permit and large well to be put

down into the Aquifer by Steffen Farms LLC.

Thank you for taking the time to read and consider my concerns.

Sincerely,
Elsie Forsch
Elsie Forsch
29727 SD Hwy 47
Burke, SD 57523

Cc:Steffen Farms LLC
C/o A J Steffen
34419 295th St
Burke, SD 57523

Gronlund, Eric

From: Ryan Bosch <ryan_bosch_07@hotmail.com>
Sent: Sunday, April 30, 2017 7:39 PM
To: Gronlund, Eric
Cc: oldchurch@goldenwest.net
Subject: [EXT] Steffen well permit protest

To whom it may concern,

I Loren and Tracy Bosch do protest the granting of the well permit for Steffen Farms LLC. Permit #2758-2

Respectfully

Loren and Tracy Bosch
29467 345th Ave.
Burke, SD 57523

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MAY - 1 2017

WATER RIGHTS
PROGRAM

Dwaine and Susan Umberger
29297 346th Avenue
Herrick, South Dakota 57538

April 26, 2017

Jeanne Goodman, Chief Engineer
SD DENR-Water Rights Program
Foss Building
523 E Capitol
Pierre, South Dakota 57501

Dear Jeanne Goodman, Chief Engineer,

We oppose the amount of water requested by the granting of water permit NO.2758-2 by Steffen Farms LLC.

The applicant states the he is "Applying for a CAFO from [DNR] water use for proposed CAFO." On April 18, 2017 the Gregory County Commission cited the 2-mile setback-from-existing-residences rule in the Gregory County Planning and Zoning Ordinance to deny Steffen Farms LLC to move forward with their feedlot expansion at the sited location. Based on this ruling DENR cannot issue an approval of Steffen Farms LLC application to expand their current feedlot size beyond 999 head of cattle. Therefore, Steffen Farms LLC show no need for such a large quantity of water (.14 cfs) they have requested.

We own farm property with 4 existing domestic use wells located on land in the N 1/2 of the NW ¼ and the NE ¼ of Sect.18, T 96N R 71 less than one mile of the proposed well site for Steffen Farm LLC. We water our cattle on these lands and also these wells serve for watering cattle on the NW ¼ of Sect. 18, and the SW ¼ and the NE ¼ of Sect. 7 in the same Township. We believe this new amount of water which is requested is now not needed by Steffen Farms LLC nor is it in the public interest (SDCL 46-2A-p).

Sincerely,



Dwaine Umberger



Susan Umberger

CC.

Steffen Farms LLC
c/o A J Steffen
34419 295th St.
Burke, South Dakota 57523

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MAY - 3 2017

WATER RIGHTS
PROGRAM

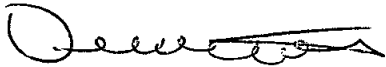
VERNON WITT
705 EAST 7TH ST
BURKE SD 57523
May 1, 2017

South Dakota DENR
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SD 57501-3182

Dear South Dakota DENR:

This letter is to inform you of our opposition to Steffen Farms LLC water permit 2758-2.

Sincerely,

A handwritten signature in black ink, appearing to read "Vernon Witt", with a stylized flourish at the end.

VERNON WITT

RECEIVED
MAY - 3 2017
WATER RIGHTS
PROGRAM

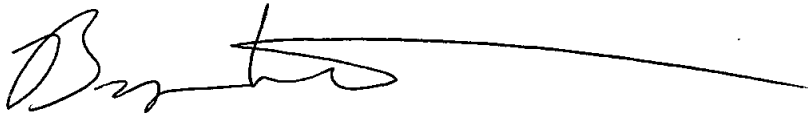
BRYAN WITT
29531 SD HWY 47
BURKE SD 57523
May 1, 2017

South Dakota DENR
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SD 57501-3182

Dear South Dakota DENR:

This letter is to inform you of our opposition to Steffen Farms LLC water permit 2758-2.

Sincerely,

A handwritten signature in black ink, appearing to read 'Bryan Witt', followed by a long horizontal line extending to the right.

BRYAN WITT

RECEIVED

MAY - 3 2017

WATER RIGHTS
PROGRAM

Dwaine and Susan Umberger
29297 346th Avenue
Herrick, South Dakota 57538

May 1, 2017

Jeanne Goodman, Chief Engineer
SD DENR-Water Rights Program
Foss Building
523 E Capitol
Pierre, South Dakota 57501

Dear Jeanne Goodman, Chief Engineer,

After downloading and reading the recommendation report by Adam Mathiowetz, PE, for Water Permit Application No. 2758-2, Steffen Farms LLC we find that a party already has a permit to use 0.86 cfs from a well less than a mile from the location of our domestic water source. Because this permit is more than six times larger than the 0.14 cfs requested by Steffen Farms and was deemed to not significantly adversely affect the neighboring water supply, it is probable (according to the report) that the Steffen Farm LLC will not significantly reduce the availability of water for our livestock. Therefore, we wish to withdraw our opposition letter of April 26, 2017.

Sincerely,



Dwaine Umberger



Susan Umberger

CC.

Steffen Farms LLC
c/o A J Steffen
34419 295th St.
Burke, South Dakota 57523

Gronlund, Eric

From: DJ Steffens <dj-steffen@goldenwest.net>
Sent: Wednesday, May 03, 2017 7:52 PM
To: Gronlund, Eric
Subject: [EXT] Steffen farms

Eric, I am requesting a continuance of the water rights hearing scheduled of 5/11. I was just informed that I need legal representation of this matter an I'm unable to obtain them on such short notice.

Thank you
Steffen Farms LLC
DJ Steffen

Sent from my iPhone



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

May 3, 2017

NOTICE

TO: A J Steffen
Steffen Farms LLC
34419 295th Street
Burke SD 57523
and Parties of Record (see attached list)

FROM: Jeanne Goodman, Chief Engineer
Water Rights Program

SUBJECT: Postponement of Hearing on Water Permit Application No. 2758-2, Steffen Farms LLC

Petitions of opposition to Water Permit Application No. 2758-2, Steffen Farms LLC have been filed in response to the public notice. The public notice scheduled a hearing before the Water Management Board at 1:00 PM on Thursday, May 11, 2017 in Pierre SD. This May 11th hearing is being administratively postponed and will be rescheduled for the next meeting of the Board. Therefore, the hearing on Application No. 2758-2 is postponed and will not be held on May 11, 2017.

The hearing to consider Application No. 2758-2 is tentatively scheduled for the July 12 – 13, 2017 meeting. The Water Management Board will formalize the meeting date at their upcoming meeting. Future notice of the time and place of the hearing for Application No. 2758-2 will be provided to all parties of record.

Please contact Eric Gronlund at (605) 773-3352, if you have any questions.

enclosure

c: Ann Mines-Bailey, Assistant Attorney General

Parties of Record for Water Permit Application No. 2758-2
Steffen Farms LLC

Applicant

Steffen Farms LLC
A J Steffen
34419 295th St
Burke SD 57523

Petitioners

Raymond J Yager
PO Box 7
Burke SD 57523

Elsie Forsch
29727 SD Hwy 47
Burke SD 57523

Loren & Tracy Bosch
29467 345th Ave
Burke SD 57523

Bryan Witt
29531 SD Hwy 47
Burke SD 57523

Vernon Witt
705 E 7th St
Burke SD 57523



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

May 30, 2017

DJ Steffen
Steffen Farms
34419 295th Street
Burke, SD 57523

RE: Steffen Farms Manure Management System
General Permit Application Review

Dear Mr. Steffen:

The department provided you with comments on the plans for your proposed manure management system on September 7, 2016. In response to those comments, your engineer submitted a revised nutrient management plan (NMP), revised site plans, and as-built plans for the existing facilities. The department's September 7, 2016, letter noted that an update to the general permit was underway and any permit applications that were not approved at the time the new permit was issued would be required to submit a new application meeting the requirements of the reissued permit. The reissued permit became effective on April 15, 2017.

An initial review of revised plans received on April 24, 2017, indicated several items relating to comments on the original plans were misinterpreted and the department contacted your engineer to discuss these items. Your engineer indicated another set of revised plans for the proposed facilities would be submitted for review but that the as-built plans and existing facilities would have to be discussed further with the owner to determine a course of action.

Preliminary revised plans for the proposed facilities were submitted electronically to the department on May 15, 2017. An initial review of these plans indicate the items discussed with your engineer appear to be addressed however; **at this time the department is discontinuing any further review of your plans and specifications until a complete permit application that includes a signed Notice of Intent form, a signed Certification of Applicant form, and any applicable ownership disclosures required under the 2017 general permit (see section 1.2.2.2.a on page 9) is submitted.** In addition to the above items, a minimum of three copies of signed and sealed plans and specifications for the proposed facilities, the existing facilities, and nutrient management plan must be submitted to the department. **The department will terminate your application and return the submitted plans and specifications if a permit application for coverage under the 2017 general permit is not received by July 15, 2017. The department will consider extending the return date if a written request is submitted with a proposed timeline for submittal.**

DJ Steffen
Steffen Farms
May 30, 2017
Page 2 of 2

The department's initial review indicates the clay liner of the existing pond does not appear to meet the requirements of the general permit for material class or permeability. The existing pond liner will require modifications to meet the requirements of the general permit which may include relining the pond with imported clay material, synthetically lining the pond, or importing soil modifiers to improve the native material to an acceptable type and permeability. Plans and specifications for modifications to the existing system must be submitted with the permit application.

The department does not enforce local requirements however; all department approvals of plans contain a condition that the producer comply with all local requirements. The department will not issue permit coverage or a Certificate of Compliance for a facility if we are notified in writing by a local government entity that local requirements are not being met. You are responsible for contacting your local planning and zoning office to determine if there are any local ordinances or requirements with which you need to comply.

Thank you for your cooperation. We look forward to receiving a complete permit application for review and approval. If you have any questions, please feel free to contact me at the number below.

Sincerely,



Neal Konda, PE
Natural Resources Engineer
Feedlot Permit Program
Phone: (605) 773-3351

cc: Chad TeVelde, PE, AgProfessionals, 3050 67th Avenue, Suite 200, Greeley, CO 80634
Gregory County Planning and Zoning
Gregory County Commissioners



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

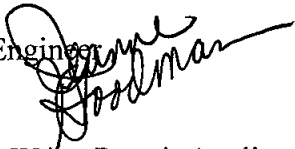
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

June 8, 2017

NOTICE

TO: A J Steffen
Steffen Farms LLC
34419 295th Street
Burke SD 57523
and Parties of Record (see attached list)

FROM: Jeanne Goodman, Chief Engineer
Water Rights Program 

SUBJECT: Scheduling of Hearing on Water Permit Application No. 2758-2, Steffen Farms LLC

Water Permit Application No. 2758-2 submitted by Steffen Farms LLC proposes to appropriate 63 acre-feet of water annually at a maximum diversion rate of 0.14 cubic feet of water per second from an existing well and a new well to be completed into the Ogallala Aquifer (40 feet deep) located in the NW 1/4 NW 1/4 Section 19 for commercial use in a livestock facility located in the NW 1/4 Section 19; all in T96N-R71W.

Petitions of opposition to Water Permit Application No. 2758-2, Steffen Farms LLC were filed in response to the public notice. This May 11, 2017, hearing was postponed and this notice reschedules the hearing on Application No. 2758-2 for July 12, 2017.

The Water Management Board will now conduct a hearing to consider Application No. 2758-2 at 2:00 PM (Central Time) on Wednesday, July 12, 2017, at the Floyd Matthew Training Center, Joe Foss Building, 523 E. Capitol Avenue, Pierre SD. The agenda time is an estimate and may be delayed due to prior items. Future notice will be provided to all parties if there is a significant change to the hearing time. Pursuant to SDCL 46-2-9, 46-2-11, and 46-2A-23, the Board has legal authority and jurisdiction to conduct this hearing.

Enclosed is the report, recommendation, affidavits of publication and petitions filed in the matter of Water Permit Application No. 2758-2. State law directs the Chief Engineer to provide Water Management Board members with a copy of all pleadings including petitions for each proceeding. The information being provided to you is also being sent to the Board members in advance of the hearing. In addition, enclosed are two documents intended to acquaint parties with the hearing process entitled "Procedure for Hearings before the Water Management Board" and "Summary of South Dakota Water Laws and Rules." You are encouraged to review these documents prior to the hearing.

Applicable provisions of the public notice of hearing published in the Burke Gazette and the Daily Republic published April 5, 2017, still apply.

Questions regarding the hearing process may be directed to Eric Gronlund, Water Rights Program at (605) 773-3352 or eric.gronlund@state.sd.us.

enclosures

c: Ann Mines Bailey, Assistant Attorney General

Parties of Record for Water Permit Application No. 2758-2
Steffen Farms LLC

Applicant

Steffen Farms LLC
A J Steffen
34419 295th St
Burke SD 57523

Petitioners

Raymond J Yager
PO Box 7
Burke SD 57523

Elsie Forsch
29727 SD Hwy 47
Burke SD 57523

Loren & Tracy Bosch
29467 345th Ave
Burke SD 57523

Bryan Witt
29531 SD Hwy 47
Burke SD 57523

Vernon Witt
705 E 7th St
Burke SD 57523

CERTIFICATION

I hereby certify that on June 8, 2017, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelope(s) containing a Notice dated June 8, 2017 regarding Hearing on Water permit No. 2758-2, Steffen Farms LLC addressed as stated below:

Applicant

Steffen Farms LLC
A J Steffen
34419 295th St
Burke SD 57523

Petitioners

Raymond J Yager
PO Box 7
Burke SD 57523

Elsie Forsch
29727 SD Hwy 47
Burke SD 57523

Loren & Tracy Bosch
29467 345th Ave
Burke SD 57523

Bryan Witt
29531 SD Hwy 47
Burke SD 57523

Vernon Witt
705 E 7th St
Burke SD 57523

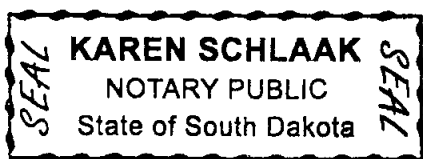
Ann Mines Bailey, Assistant Attorney General, 1302 US-14 #1, Pierre, SD 57501 InterOffice


Gail Jacobson
Secretary/Water Rights

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 8th day of June, 2017.


Karen Schlaak
Notary Public
My Commission expires April 1, 2019





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 2758-2, Steffen Farms LLC**

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. 2758-2, Steffen Farms LLC, c/o A J Steffen, 34419 295th Street, Burke SD 57523.

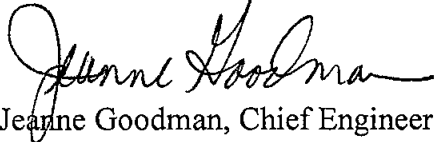
The Chief Engineer is recommending APPROVAL of Application No. 2758-2 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and, 4) it is in the public interest with the following qualifications:

1. The wells approved under Water Permit No. 2758-2 will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner, under these Permits shall control withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The new well authorized by Permit No. 2758-2 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
3. Water Permit No. 2758-2 is subject to compliance with requirements of the Department's Water Pollution Control Permit issued pursuant to SDCL 34A-2-36 or 34A-2-112 for concentrated animal feeding operations.
4. Water Permit No. 2758-2 is subject to compliance with all existing and applicable Water Management Board Rules including but not limited to:
 - a) Chapter 74:54:01 Ground Water Quality Standards,
 - b) Chapter 74:54:02 Ground Water Discharge Permit,
 - c) Chapter 74:51:01 Surface Water Quality Standards,
 - d) Chapter 74:51:02 Uses Assigned to Lakes,
 - e) Chapter 74:51:03 Uses Assigned to Streams, and
 - f) Chapter 74:52:01 through 74:52:11 Surface Water Discharge Provisions

(continued)

5. The Permit holder shall report to the Chief Engineer annually the amount of water withdrawn from the Ogallala aquifer.
6. Water Permit No. 2758-2 authorizes a total annual diversion of 63 acre feet of water.

See report on application for additional information.

A handwritten signature in cursive script, appearing to read "Jeanne Goodman".

Jeanne Goodman, Chief Engineer
March 30, 2017

REPORT TO THE CHIEF ENGINEER
ON
WATER PERMIT APPLICATION NO. 2758-2
STEFFEN FARMS LLC
C/O AJ STEFFEN
MARCH 30, 2017

Water Permit Application No. 2758-2 proposes to authorize the appropriation of 63 acre-feet of water annually (ac-ft/yr.) at a maximum diversion rate of 0.14 cubic feet of water per second (cfs) from an existing well and a new well completed into the Ogallala aquifer located in the NW ¼ NW ¼ Section 19; T96N-R71W in Gregory County. The water is to be used for commercial purposes in a livestock facility in the NW ¼ Section 19; T96N-R71W.

AQUIFER: Ogallala (OGLL)

Aquifer Characteristics:

The Ogallala aquifer underlies approximately 134,000 square miles of the United States including portions of Colorado, Kansas, Nebraska, New Mexico, Oklahoma, South Dakota, Texas, and Wyoming (Gutentag et. al, 1984). In South Dakota, the Ogallala aquifer underlies approximately 1,140,360 acres and contains an estimated 19,929,600 ac-ft of recoverable water in storage in Bennett, Gregory, Ogallala Lakota, Todd, and Tripp Counties (Allen, Iles, and Petres, 1985). The Ogallala Group consists of silts, sands, clays, and surface gravel deposits (Filipovic, 2011; Gutentag et. al, 1984). The Ogallala aquifer is primarily under unconfined conditions, but locally confined conditions do exist (Water Rights, 2017a). The water movement in the aquifer is generally from the northwest toward the southeast and outward from the center toward the edges of the aquifer (Filipovic, 2004).

This application proposes to withdraw water from a portion of the Ogallala aquifer that is hydraulically disconnected from the main body of the aquifer. The Ogallala Group has been entirely eroded through down to the underlying Pierre Shale under the channel of Ponca Creek along its southwestern border and under the channel of the South Fork Whetstone Creek along its northeastern edge. This erosional remnant underlies approximately 135,000 acres of Gregory County (Filipovic, 2004; Martin et. al, 2004) and approximately 30,000 acres of Boyd County Nebraska (UNL, 2017). Figure 1 is a map of the approximate areal extent of the portion of the Ogallala aquifer from which this application proposes to withdraw water.

The existing well and proposed well sites are near the edge of this portion of the Ogallala aquifer. Logs for geologic borings in the files of the DENR-Feedlot Program (2017) indicate the existing well, listed as 40 feet deep in this application, is likely completed into silty clay, silty sand, silt, and/or sand. These sediments are labeled fine to coarse alluvium on the logs and may have been misidentified. These unconsolidated deposits are likely eroded Ogallala Group and directly underlying formations at the edge of the Ogallala aquifer. Gutentag and others (1984) stated unconsolidated alluvial, erosional, and eolian deposits that lie directly on the Ogallala Group are likely in hydraulic connection to and should be considered part of the Ogallala aquifer. The well may also penetrate into the Pierre Shale. The applicant stated the static water level in the existing well is nine feet below grade.

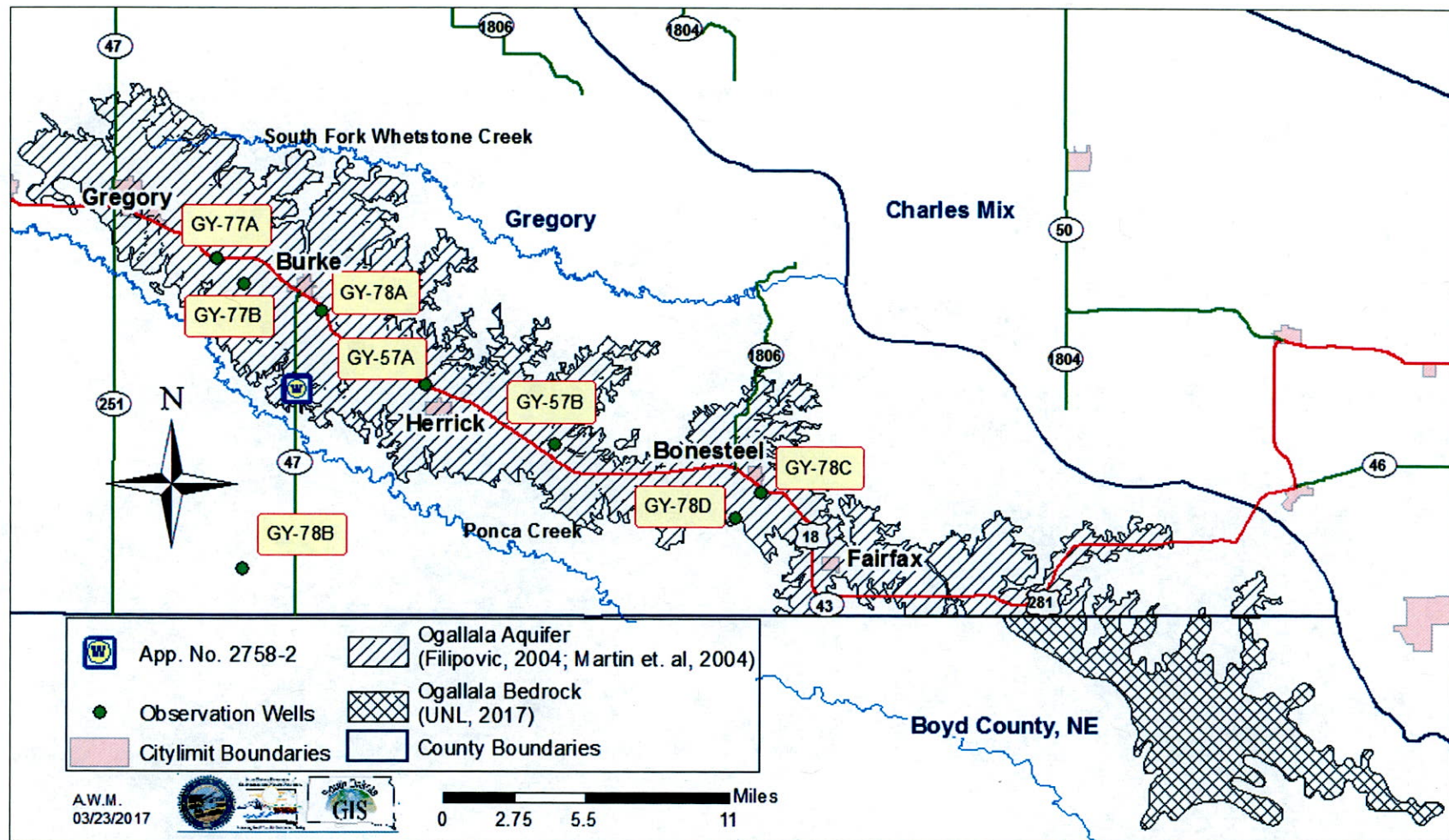


Figure 1- Approximate areal extent map of the erosional remnant of the Ogallala aquifer Application No. 2758-2 proposes to use

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 a reasonable probability that there is unappropriated water available for this 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. This report will address the availability of unappropriated water and effects on existing rights from the aquifer that are pertinent to this application.

WATER AVAILABILITY:

This application proposes to appropriate water from the Ogallala aquifer. The probability of unappropriated water available from the aquifer can be evaluated by considering SDCL 46-6-3.1, which requires "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 this case, the aquifer is not stratigraphically lower than the Greenhorn Formation and the applicant is not a water distribution system.

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 of the aquifer.

The DENR-Water Rights Program monitors 77 observation wells completed into the Ogallala aquifer with seven completed into the portion of the Ogallala aquifer this application proposes to use (Water Rights, 2017a). The existing and proposed well sites are within approximately six miles of four Ogallala aquifer observation wells, GY-78A, GY-77B, GY-57A, and GY-77A, as shown in Figure 1. The hydrographs for the observation wells are shown in Figures 2 through 5, respectively. These hydrographs are representative of this portion of the Ogallala aquifer and the Ogallala aquifer in South Dakota as a whole. In general, the aquifer has stable to rising water levels over the period of record.

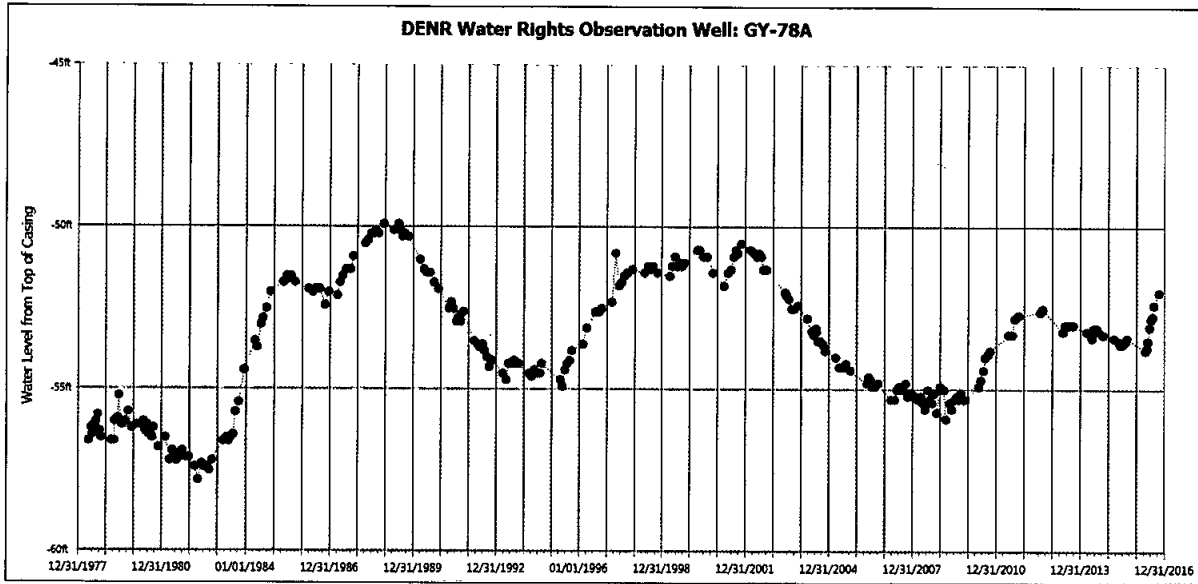


Figure 2- Hydrograph for GY-78A, approximately 3.2 miles north-northeast of the well sites (Water Rights, 2017a)

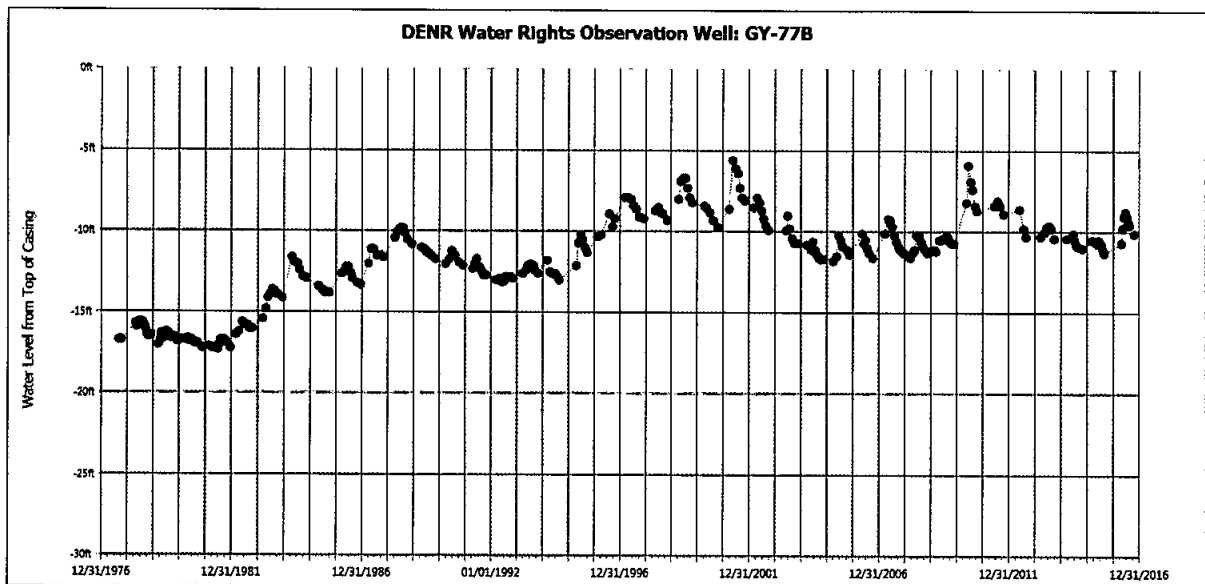


Figure 3- Hydrograph for GY-77B, approximately 4.5 miles northwest of the well sites (Water Rights, 2017a)

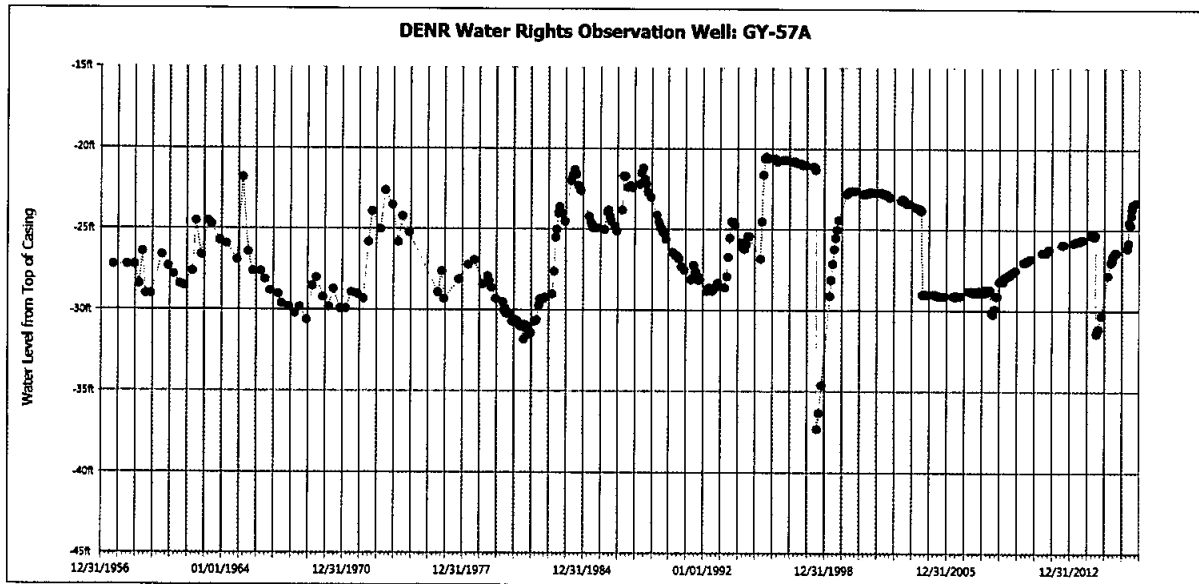


Figure 4- Hydrograph for GY-57A, approximately 5.0 miles east of the well sites (Water Rights, 2017a)

The three low spikes in water level shown in the hydrograph for GY-57A are the result of routine maintenance (pumping with air). After the well was pumped with air it slowly recovered to static water level. When comparing the water level of GY-57A to other observation wells completed into this portion of the Ogallala aquifer, it appears to be representative of this portion of the Ogallala aquifer.

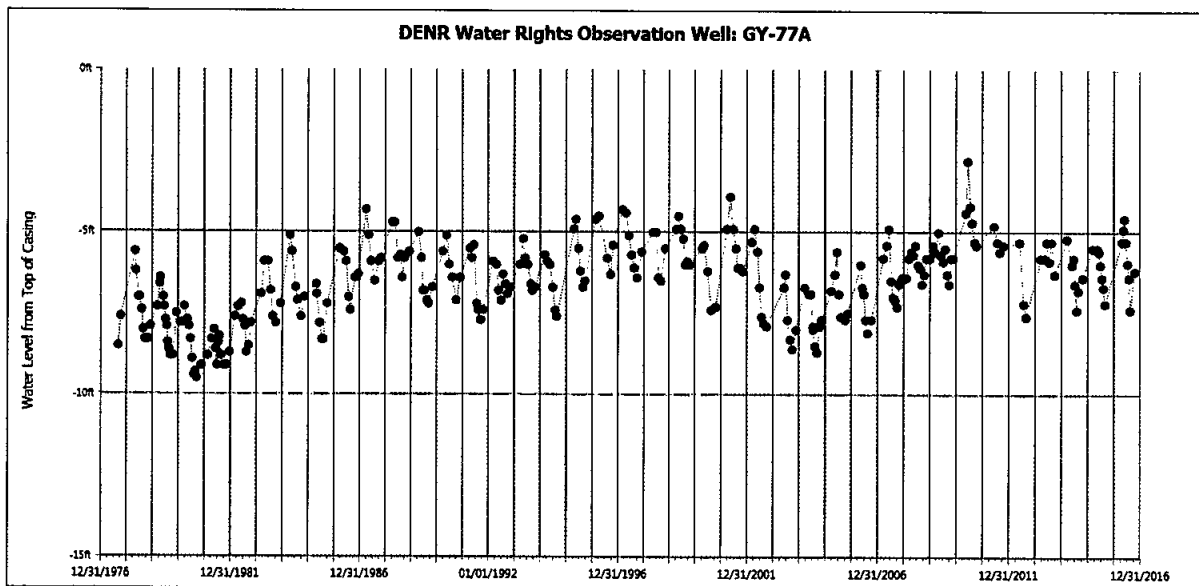


Figure 5- Hydrograph for GY-77A, approximately 5.9 miles northwest of the well sites (Water Rights, 2017a)

The water levels shown in the hydrographs for observation wells GY-78A, GY-77B, GY-57A, and GY-77A document there is little effect caused by total well withdrawal on the water level of this portion of the Ogallala aquifer. The water levels shown in the hydrographs rise during wet

times when recharge exceeds natural discharge plus pumping and slowly declines when natural discharge plus pumping exceeds recharge. The hydrograph for GY-77A shows some short term temporal effect of pumping on the water level, but the water level is still dominated by climate. Figure 6 is a map showing wells authorized by water rights in the vicinity of observation well GY-77A. When the effects of climate dominate the water level of observation wells, it means recharge to and natural discharge from an aquifer significantly exceeds pumping. Natural discharge from an aquifer can be captured for pumping. Therefore, the hydrographs document there is unappropriated water available from this portion of the Ogallala aquifer to support this proposed diversion.

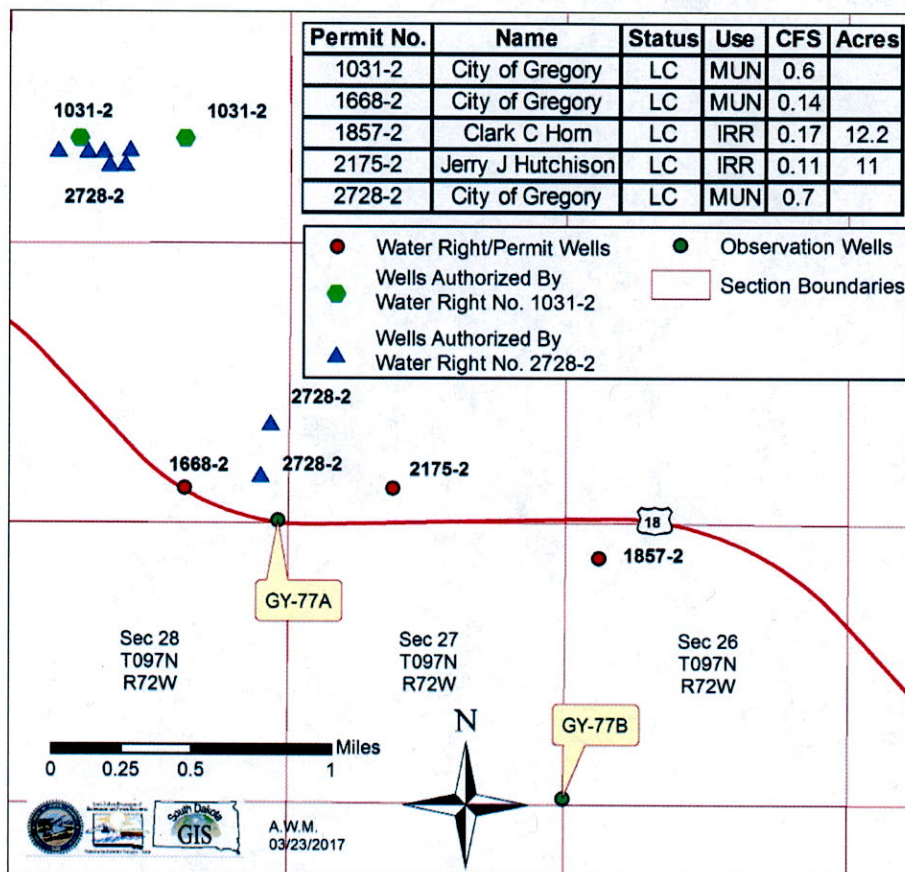


Figure 6- Map of wells authorized by water rights around observation well GY-77A

Recharge and Discharge:

Recharge:

This portion of the Ogallala aquifer is primarily recharged through infiltration of precipitation on the aquifer (Filipovic, 2004). Kolm and Case (1983) estimated a range of recharge rates from 1.3 to 1.8 in/yr. based on eight percent of annual precipitation for their digital model. Hedges and Burch (1985) estimated recharge to the Ogallala aquifer using two different methods, observation well data analysis and base-flow recession analysis. Hedges and Burch (1985) estimated a recharge rate of 1.88 in/yr. using base-flow recession and a range of 2.2 to 3.4 in/yr. using observation well data analysis. Thus, estimated annual recharge to this portion of the Ogallala aquifer ranges from 17,875 to 46,750 ac-ft/yr.

Discharge:

This portion of the Ogallala aquifer discharges through well withdrawals, seepage to streams hydraulically connected sediments, and springs. There are 21 water rights/permits authorizing the withdrawal of water and two future use permits reserving water in this portion of the Ogallala aquifer (Water Rights, 2017b). The non-irrigation water rights/permits are listed in Table 1. Irrigation water rights/permits are listed in Table 2.

Permit No.	Name	Status	Use	CFS	Volume (ac-ft)
256-2	Town of Fairfax	LC	MUN	0.25	108.6
455-2	City of Burke	LC	MUN	0.33	143.3
872-2	City of Burke	LC	MUN	0.26	112.9
1031-2	City of Gregory	LC	MUN	0.6	260.6
1085-2	Schmitz Well Group	LC	RWS	0.06	26.1
1603-2	City of Bonesteel	LC	MUN	0.07	30.4
1622-2	City of Gregory	FU	MUN		269**
1660-2	City of Burke	FU	MUN		396**
1661-2	City of Burke	LC	MUN	0.1	43.4
1668-2	City of Gregory	LC	MUN	0.14	60.8
1719-2	East Gregory County RWS	LC	RWS	0.2	86.9
1842-2	Town of Herrick	LC	MUN	0.16	69.5
2065A-2	City of Burke	LC	MUN	0.21	91.2
2091-2	City of Bonesteel	LC	MUN	0.1	43.4
2339-2	Town of Herrick	LC	MUN	0.22	95.6
2435-2	East Gregory County RWS	LC	RWS	0.28	121.6
2728-2	City of Gregory	LC	MUN	0.7	309*
				Total	2268.5
LC= Water Right, FU= Future Use, PE= Water Permit, MUN= Municipal, RWS= Rural Water System					
*= Permitted Volume, **= Reserved Volume					

Table 1- Non-irrigation water rights/permits and future use permits authorized to withdraw or reserve water from the same portion of the Ogallala aquifer Application No. 2758-2 proposes to use (Water Rights, 2017b)

Permit No.	Name	Status	Use	CFS	Acres
1857-2	Clark C Horn	LC	IRR	0.17	12.2
2175-2	Jerry J Hutchison	LC	IRR	0.11	11
2330-2	City of Burke	LC	IRR	0.35	55
2604-2	City of Gregory	LC	IRR	0.5	3.5
2625-2	Raymond J Yager	PE	IRR	0.86	60
2691-2	Chad Kehn	PE	IRR	2	180

Table 2- Irrigation water rights/permits authorized to withdraw from the same portion of the Ogallala aquifer Application No. 2758-2 proposes to use (Water Rights, 2017b)

The volumes listed in Table 1 were estimated by assuming pumping at the maximum permitted diversion rate for 60 percent of the time. Water Right No. 2728-2 has a permitted volume of 309 ac-ft/yr. Future Use Permit No. 1622-2 and 1660-2 reserve 269 and 396 ac-ft/yr. The estimated annual pumpage by non-irrigation appropriations plus full development of the future use permits is 2,268.5 ac-ft/yr. Figure 7 is a map showing the wells authorized by water rights/permits to withdraw water from the same portion of the Ogallala aquifer this application proposes to use.

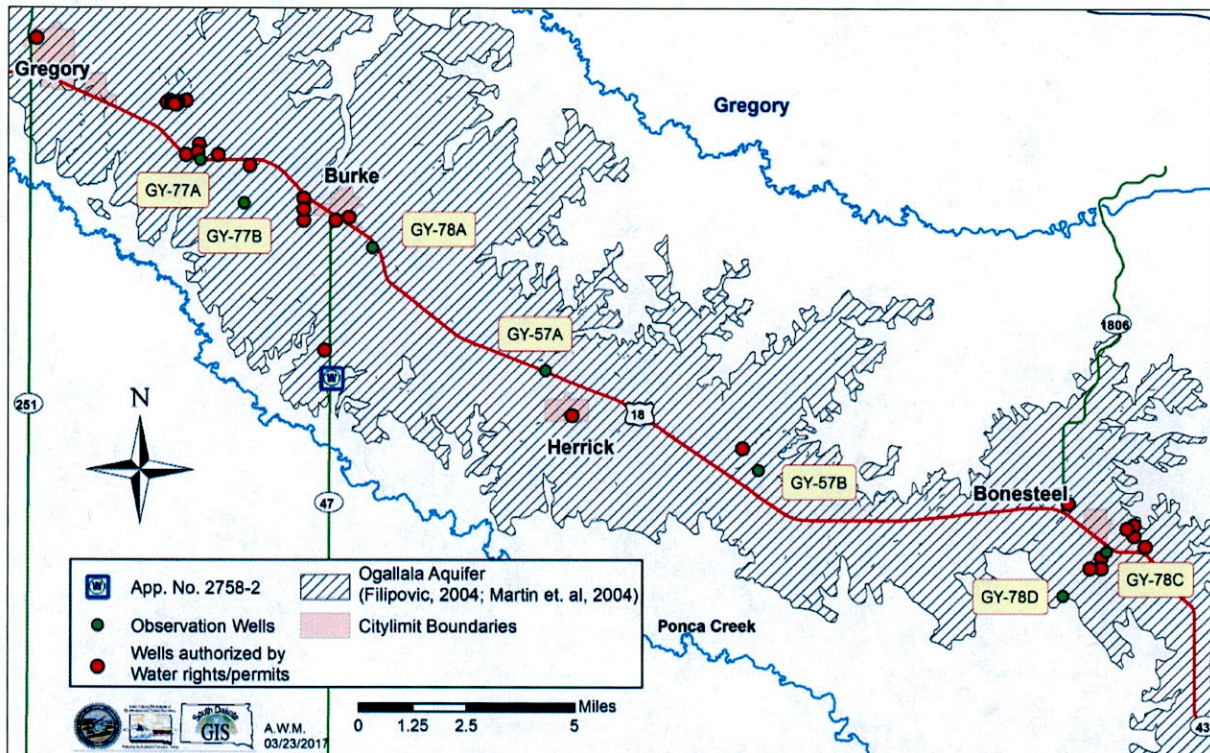


Figure 7- Map of wells authorized by water rights/permits to withdraw water from the portion of the Ogallala aquifer Application No. 2758-2 proposes to use (Water Rights, 2017b)

There are a number of domestic wells completed into this portion of the Ogallala aquifer (Water Rights, 2017c). However, the annual withdrawal for domestic use is not significant to the hydrologic budget of the aquifer. Table 3 shows the irrigation pumping history from this portion of the Ogallala aquifer.

Date	No. of Permits Reporting	Appropriation (ac-ft)	Pumpage (ac-ft)
1982	1	900	0
1983	2	2325	13.39
1984	1	2256	0
1985	2	2325	0.3
1986	3	2349	20.2
1987	3	2349	5.9
1988	3	2349	13.9
1989	3	2349	22
1990	3	2349	10
1991	3	1499.4	21
1992	2	74.4	0.8
1993	2	74.4	0
1994	2	46.4	16.83
1995	3	211.4	24.06
1996	3	211.4	57.8
1997	3	211.4	46
1998	3	211.4	38.79
1999	3	211.4	30.05
2000	3	211.4	45.91
2001	3	211.4	131.96
2002	3	211.4	85.13
2003	3	211.4	46.07
2004	3	211.4	99.52
2005	3	211.4	105.55
2006	4	218.4	103.8
2007	4	218.4	75.62
2008	5	338.4	42.91
2009	5	338.4	60.22
2010	5	338.4	74.58
2011	5	338.4	81.4
2012	5	338.4	112.63
2013	6	698.4	68.38
2014	6	698.4	96.7
2015	6	698.4	110.38
Min	1	46.4	0
Max	6	2349	131.96
Avg.	3.4	817.5	48.9

Table 3- Irrigation history from the portion of the Ogallala aquifer Application No. 2758-2 proposes to withdraw water from (Water Rights, 1982-2016)

Hydrologic Budget:

The estimated average annual recharge to the portion of the Ogallala aquifer this application proposes to use ranges from 17,875 to 46,750 ac-ft/yr. The estimated average annual pumpage is less than 2,500 ac-ft/yr. This application proposes to appropriate 63 ac-ft/yr. The difference between estimated average annual recharge and average annual withdrawals concurs with the observation well data. Therefore, there is a reasonable probability unappropriated water is available for this proposed appropriation.

EXISTING WATER RIGHTS:

The existing well site and proposed well site for Application No. 2758-2 are approximately 0.6 miles south of the well site authorized by Water Permit No. 2625-2 for Raymond Yager (Water Rights, 2017b). The next nearest appropriative wells are three miles away. It is likely there are domestic wells completed into this portion of the Ogallala aquifer within approximately one mile of the well sites this application proposes to use.

The Ogallala aquifer at the existing well this application proposes to use is under unconfined conditions. Drawdown created from pumping a well in an unconfined aquifer is minimal within a short distance of the well. Although many of the assumptions of the Theis Equation are not valid in this case, it can be used to provide a general estimate of drawdown. Assuming the parameter values shown in Table 4, the estimated drawdown 0.6 miles after continuously pumping for 219 days is 0.25 feet (Utah, 2017). It would take 219 days of continuous pumping at the requested diversion rate to pump the annual volume requested of 63 ac-ft. The effects of boundary conditions could increase the drawdown 0.6 miles away from the pumping well.

Pump Rate	Transmissivity	Distance from Pumping Well	Aquifer Storativity	Time Since Pumping Began	Drawdown
cfs	ft ² /day	miles		days	feet
0.14	450	0.6	0.092	219	0.25

Table 4- Theis Equation values

Observation well GY-77A is within 1.5 miles of several wells operated by the City of Gregory under Water Right Nos. 1031-2, 1668-2, and 2728-2. The hydrograph shows minimal effects caused by pumping the City of Gregory's wells on the water level in the observation well. This application proposes a diversion rate of 0.14 cfs (65 gallons per minute). The relatively low diversion rate means the amount of drawdown created from pumping the existing well or the proposed well will be relatively limited. Precise estimates of drawdown cannot be determined without aquifer testing. The 63 ac-ft/yr. requested by the applicant is slightly more than double the 29 ac-ft/yr. allowed for each domestic user at 18 gallons per minute continuously. Considering all that information, it is probable this proposed diversion will not adversely impact existing water users.

The Water Management Board defined an "adversely impacted domestic well" in ARSD 74:02:04:20(7) as:

"a well in which the pump intake was set at least 20 feet below the top of the aquifer at the time of construction or, if the aquifer is less than 20 feet thick, is as near to the bottom of the aquifer as is practical and the water level of the aquifer has declined to a level that the pump will no longer deliver sufficient water for the well owner's needs".

Nearby adequate wells are not expected to be adversely impacted as defined in ARSD 74:02:04:20(7). However out of an abundance of caution if this application is approved, the water permit should include a qualification the well owner should control their withdrawals so there is not a reduction of needed water supplies for adequate domestic wells or for adequate wells having prior water rights. When all of the above factors are considered, there is a reasonable probability the proposed diversion can be made without adversely impacting existing appropriative or domestic water users.

SPECIAL CONSIDERATION:

There has been some history of opposition to development of appropriative use of water from this portion of the Ogallala aquifer. A letter of opposition to this application has already been filed by Raymond Yager. Mr. Yager indicated a number of local residents also intend to oppose

this application. The applicant, A.J. Steffen, previously petitioned as one of nine people in opposition to approval of Mr. Yager's permit, Water Permit No. 2625-2. A hearing in front of the Water Management Board was held on May 7, 2008, on Application No. 2625-2. Mr. and Mrs. Yager appeared along with a concerned but not in opposition neighbor, Pat Cerny. Application No. 2625-2 was approved by the Board without findings of fact and conclusions of law. The construction period for Water Permit No. 2625-2 ended May 2013, but there is no well completion report on file with the DENR-Water Rights Program (Water Rights, 2017b and 2017c). Notes on Mr. Yager's annual irrigation questionnaires indicate he was unable to find sufficient aquifer material to support a well and was attempting to supply his irrigation system with a dam. In January 2010, Mr. Yager was sent a notice of cancellation. Mr. Yager requested the cancellation be put on hold because he still wanted to use a well for his irrigation project. Since 2013, Mr. Yager's annual irrigation questionnaires have indicated there was sufficient moisture. The 2012 questionnaire indicated the system was not yet constructed.

Water Permit No. 2691-2 for Chad Kehn was opposed for concerns of lack of available water and potential impacts on existing water users. The well authorized by Water Permit No. 2691-2 is approximately 9.7 miles east-southeast of the well sites this application proposes to use. Water Permit No. 2691-2 was approved after a hearing in front of the Water Management Board.

Mr. Yager's letter of opposition to Application No. 2758-2 stated he has a few issues with this application: 1) "...the negative impact the request for an increase of water will have on our current well...", 2) "...as well as adding to the contamination of surrounding ground water and wells...", 3) air quality deterioration due to manure dust from the current feedlot operation, and 4) "...smell, dust and insects have grown exponentially and is often times untenable for us." Issues 3 and 4 are public interest issues and will not be addressed in this report. Issue 2 is a concern about the potential for contamination of the surrounding groundwater and wells. That has to do with the applicant's feedlot and manure management and would be addressed by the review of a permit application by the DENR-Feedlot Program. It is also a public interest issue. Issue 1 states concerns about potential on Mr. Yager's well. As previously stated, there is more annual recharge than there are withdrawals from this portion of the Ogallala aquifer. Furthermore, the limited diversion rate proposed by this application and the distance between the well this application proposes to use and the Mr. Yager's well means there is a low probability of impacts from pumping this proposed diversion on Mr. Yager's well. There is no information available to determine if Mr. Yager's well is adequate.

CONCLUSIONS:

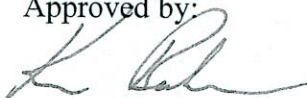
1. Application No. 2758-2 proposes to authorize the appropriation of 63 ac-ft/yr. at a maximum diversion rate of 0.14 cfs the Ogallala aquifer for commercial use in a livestock facility in Gregory County.
2. The existing well and proposed well site are in an erosional remnant of the Ogallala aquifer that covers portions of Gregory County and extends into Boyd County, Nebraska.
3. Based on the observation well data and a hydrologic budget, there is a reasonable probability unappropriated water is available for this proposed appropriation.

4. There is a reasonable probability the diversion proposed by this application can be made without adversely impacting existing appropriative or domestic users.



Adam Mathiowetz, PE
SD DENR-Water Rights Program

Approved by:



Ken Buhler
SD DENR-Water Rights Program

REFERENCES:

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- Water Rights. 2017c. Well Completion Reports. SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, South Dakota.

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MAR - 9 2017

WATER RIGHTS
PROGRAM

March 7, 2017

Department of Energy and Natural Resources
Division of Environmental Services
Joe Foss Building
523 E. Capital
Pierre, South Dakota 50501-3182

Re: Well permit 2758-2/Steffen Farms LLC, feedlot

Dear Sirs:

This letter is to serve as notification that we oppose the issuance of the above referenced permit to Steffen Farms, LLC.

The reasons for our objection is due to the negative impact the request for an increase of water will have on our current well, as well as adding to the contamination of surrounding ground water and wells.

The past couple of years, we have experienced a deterioration of air quality with manure dust generated from the current operation of the this feedlot. The smell, dust and insects have grown exponentially and is often times untenable for us. Please do not allow for further damage to be done to our lives.

In the event that there will be a public meeting, please allow us the opportunity to appear to state our case.

Thank you.

Sincerely,



Raymond J. Yager
Julie R. Yager
29429 SD Hwy 47
P.O. Box 7
Burke, South Dakota 57523
605-775-2345

cc: Steffen Farms LLC c/o AJ Steffen

RECEIVED

APR 21 2017

WATER RIGHTS
PROGRAM

April 15, 2017

Department of Energy and Natural Resources
Division of Environmental Services
Joe Foss Building
523 E. Capital
Pierre, South Dakota 50501-3182

Re: Well permit 2758-2/Steffen Farms LLC, feedlot

Dear Sirs:

This letter is to serve as notification that we oppose the issuance of the above referenced permit to Steffen Farms, LLC.

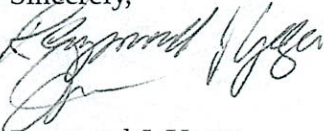
The reasons for our objection is due to the negative impact the request for an increase of water will have on our current well, as well as adding to the contamination of surrounding ground water and wells.

The past couple of years, we have experienced a deterioration of air quality with manure dust generated from the current operation of the this feedlot. The smell, dust and insects have grown exponentially and is often times untenable for us. Please do not allow for further damage to be done to our lives.

In the event that there will be a public meeting, please allow us the opportunity to appear to state our case.

Thank you.

Sincerely,



Raymond J. Yager
Julie R. Yager
29429 SD Hwy 47
P.O. Box 7
Burke, South Dakota 57523
605-775-2345

cc: Steffen Farms LLC c/o AJ Steffen

April 23, 2017

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APR 26 2017

WATER RIGHTS
PROGRAM

Chief Engineer
Water Rights Program
Foss Building 523 E Capitol
Pierre, SD 57501

Chief Engineer:

This is a letter of opposition to the application for a water permit filed by Steffen Farms LLC c/o A J Steffen, 34419 295th St, Burke SD 57523 to appropriate 63 acre feet of water annually at a maximum diversion rate of 0.14 cubic feet of water per second from an existing well and a new well to be completed into the Ogallala Aquifer (40 feet deep) located on his farm for commercial use in a feedlot facility.

That is an astronomical amount of water for one farm to be taking from the aquifer. This is a feedlot not a city. Mr. Steffen already has one well. By putting down a well the size he proposes, he will have access to an unlimited amount of water without cost or monitoring of the amount or use. Once this size well is approved, Mr. Steffen can withdraw twice the stated amount. This operation has a history of not being truthful.

I am concerned as to how a withdrawal of this magnitude is going to affect the overall level of the Aquifer. How is it determined that there is actually that much unappropriated water available for the taking? Just about every farm in the countryside has a well in the Aquifer, as do the cities, and West River Rural Water. My farm well has been in place in the Aquifer for 40 years. The Aquifer level is affected by over use, drought, and floods indicating that existing wells can be compromised by those not protective of our environmental components.

This well would certainly be beneficial use to the feedlot—but NOT to the surrounding neighborhood and community.

As for it being in the public interest, that depends on what sector of public you are asking. It would be to the Steffen Farms and those associated with them, but definitely NOT to the surrounding neighbors and communities they would be taking from.

For these reasons I am asking you to disapprove this application for a water permit and large well to be put

down into the Aquifer by Steffen Farms LLC.

Thank you for taking the time to read and consider my concerns.

Sincerely,

Elsie Forsch

Elsie Forsch
29727 SD Hwy 47
Burke, SD 57523

Cc:Steffen Farms LLC
C/o A J Steffen
34419 295th St
Burke, SD 57523

Gronlund, Eric

From: Ryan Bosch <ryan_bosch_07@hotmail.com>
Sent: Sunday, April 30, 2017 7:39 PM
To: Gronlund, Eric
Cc: oldchurch@goldenwest.net
Subject: [EXT] Steffen well permit protest

To whom it may concern,

I Loren and Tracy Bosch do protest the granting of the well permit for Steffen Farms LLC. Permit #2758-2

Respectfully

Loren and Tracy Bosch
29467 345th Ave.
Burke, SD 57523

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MAY - 1 2017

WATER RIGHTS
PROGRAM

Dwaine and Susan Umberger
29297 346th Avenue
Herrick, South Dakota 57538

April 26, 2017

Jeanne Goodman, Chief Engineer
SD DENR-Water Rights Program
Foss Building
523 E Capitol
Pierre, South Dakota 57501

Dear Jeanne Goodman, Chief Engineer,

We oppose the amount of water requested by the granting of water permit NO.2758-2 by Steffen Farms LLC.

The applicant states the he is "Applying for a CAFO from [DNR] water use for proposed CAFO." On April 18, 2017 the Gregory County Commission cited the 2-mile setback-from-existing-residences rule in the Gregory County Planning and Zoning Ordinance to deny Steffen Farms LLC to move forward with their feedlot expansion at the sited location. Based on this ruling DENR cannot issue an approval of Steffen Farms LLC application to expand their current feedlot size beyond 999 head of cattle. Therefore, Steffen Farms LLC show no need for such a large quantity of water (.14 cfs) they have requested.

We own farm property with 4 existing domestic use wells located on land in the N 1/2 of the NW ¼ and the NE ¼ of Sect.18, T 96N R 71 less than one mile of the proposed well site for Steffen Farm LLC. We water our cattle on these lands and also these wells serve for watering cattle on the NW ¼ of Sect. 18, and the SW ¼ and the NE ¼ of Sect. 7 in the same Township. We believe this new amount of water which is requested is now not needed by Steffen Farms LLC nor is it in the public interest (SDCL 46-2A-p).

Sincerely,



Dwaine Umberger



Susan Umberger

CC.

Steffen Farms LLC
c/o A J Steffen
34419 295th St.
Burke, South Dakota 57523

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MAY - 3 2017

WATER RIGHTS
PROGRAM

VERNON WITT
705 EAST 7TH ST
BURKE SD 57523
May 1, 2017

South Dakota DENR
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SD 57501-3182

Dear South Dakota DENR:

This letter is to inform you of our opposition to Steffen Farms LLC water permit 2758-2.

Sincerely,

A handwritten signature in black ink, appearing to read "Vernon Witt", with a stylized flourish at the end.

VERNON WITT

RECEIVED
MAY - 3 2017
WATER RIGHTS
PROGRAM

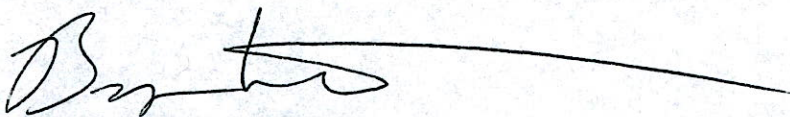
BRYAN WITT
29531 SD HWY 47
BURKE SD 57523
May 1, 2017

South Dakota DENR
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SD 57501-3182

Dear South Dakota DENR:

This letter is to inform you of our opposition to Steffen Farms LLC water permit 2758-2.

Sincerely,

A handwritten signature in black ink, appearing to read 'Bryan Witt', followed by a long horizontal line extending to the right.

BRYAN WITT

RECEIVED

MAY - 3 2017

WATER RIGHTS
PROGRAM

Dwaine and Susan Umberger
29297 346th Avenue
Herrick, South Dakota 57538

May 1, 2017

Jeanne Goodman, Chief Engineer
SD DENR-Water Rights Program
Foss Building
523 E Capitol
Pierre, South Dakota 57501

Dear Jeanne Goodman, Chief Engineer,

After downloading and reading the recommendation report by Adam Mathiowetz, PE, for Water Permit Application No. 2758-2, Steffen Farms LLC we find that a party already has a permit to use 0.86 cfs from a well less than a mile from the location of our domestic water source. Because this permit is more than six times larger than the 0.14 cfs requested by Steffen Farms and was deemed to not significantly adversely affect the neighboring water supply, it is probable (according to the report) that the Steffen Farm LLC will not significantly reduce the availability of water for our livestock. Therefore, we wish to withdraw our opposition letter of April 26, 2017.

Sincerely,



Dwaine Umberger



Susan Umberger

CC.

Steffen Farms LLC
c/o A J Steffen
34419 295th St.
Burke, South Dakota 57523

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APR 10 2017

WATER RIGHTS
PROGRAM

Affidavit Of Publication

STATE OF SOUTH DAKOTA
COUNTY OF GREGORY

ss.

C. J. FAHRENBACHER of said county being first duly sworn, on oath says that he is the publisher of THE BURKE GAZETTE, a weekly newspaper printed and published in Burke said County of Gregory and has full and personal knowledge of all facts herein stated; that said newspaper is a legal newspaper and has a bona-fide circulation of at least two hundred copies weekly, and has been published within said county for fifty-two successive weeks next prior to the publication of the notice herein mentioned, and was and is printed wholly or in part in an office maintained at said place of publication; that the

DENR-Notice of Hearing-Steffen Farms LLC

a printed copy of which, taken from the paper in which the same was printed, is attached to this sheet, and is made a part of this Affidavit, was published in said newspaper at least once in each

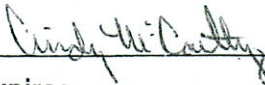
week for 1 successive weeks, on the day of each week on which said newspaper was regularly published, to-wit:

4/5/17

that the full amount of the fees for the publication of the annexed notice is \$ 66.22



Subscribed and sworn to before me this 5th day
of April, 2017.



Notary Public
County of Gregory, South Dakota

Commission Expires
October 30, 2021

*Beginning of
Notice on 2nd page*

requested, the hearing will be re-scheduled for a future Board meeting and personal notice will be provided to all petitioners regarding the time, date and location.

Notice is given to individuals with disabilities that this hearing is being held in a physically accessible place. Please notify the Department of Environment and Natural Resources at least 48 hours before the hearing if you have a disability for which special arrangements must be made at the hearing. The telephone number for making arrangements is (605) 773-3352.

Under SDCL 1-26-17(7) notices must state that "if the amount in controversy exceeds \$2,500.00 or if a property right may be terminated, any party to the contested case may require the agency to use the Office of Hearing Examiners by giving notice of the request to the agency no later than ten days after service of a notice of hearing issued pursuant to SDCL 1-26-17." This is a Notice of Hearing, service is being provided by publication, and the applicable date to give notice to the Chief Engineer is April 17, 2017. However, since this particular matter is a water permit application and not a monetary controversy in excess of \$2,500.00 or termination of a property right the Chief Engineer disputes the applicability of this provision and maintains that the hearing must be conducted by the Board.

As applicable, the following provides the legal authority and jurisdiction under which the hearing will be held and the particular statutes and rules pertaining to this application: SDCL 1-26-16 thru 1-26-28; SDCL 46-1-1 thru 46-1-9, 46-1-13 thru 46-1-16; 46-2-3.1, 46-2-9, 46-2-11, 46-2-17; 46-2A-1 thru 46-2A-12, 46-2A-14, 46-2A-15, 46-2A-20, 46-2A-21, 46-2A-23; 46-5-1.1, 46-5-2 thru 46-5-26, 46-5-30.2 thru 46-5-30.4, 46-5-31, 46-5-32 thru 46-5-34.1, 46-5-38 thru 46-5-39, 46-5-46, 46-5-47, 46-5-49; 46-6-1 thru 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14, 46-6-21, 46-6-26; and Board Rules ARSD 74:02:01:01 thru 74:02:01:25.02.

Steven M. Pirner, Secretary,
Department of Environment and
Natural Resources. Published once
at an approximate cost of \$ 66.22.

NOTICE OF HEARING ON WATER PERMIT APPLICATION NO. 2758-2 to Appropriate Water

Notice is given that Steffen Farms LLC c/o A J Steffen, 34419 295th St, Burke SD 57523 has filed an application for a water permit to appropriate 63 acre-feet of water annually at a maximum diversion rate of 0.14 cubic feet of water per second from an existing well and a new well to be completed into the Ogallala Aquifer (40 feet deep) located in the NW 1/4 NW 1/4 Section 19 for commercial use in a livestock facility located in the NW 1/4 Section 19; all in T96N-R71W.

SDCL 46-2A-4(10) provides that "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 Chief Engineer's recommendation and no hearing may be held before the board, unless the Chief Engineer makes a finding that an application, even if uncontested, presents important issues of public policy or public interest that should be heard by the board." In this case, the Chief Engineer finds that this application presents important issues of public interest that should be heard by the Water Management Board.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends Approval of Application No. 2758-2 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.

The Water Management Board will consider this application at 1:00 pm on May 11, 2017 in the Matthew Training Center, Joe Foss Bldg, 523
Continued on Page 10

E. Capitol Ave. Pierre SD. The Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny this application based on the facts presented at the public hearing.

Any interested person who intends to participate in the hearing shall file a petition to oppose or support the application and the petition shall be filed with BOTH the applicant and Chief Engineer. The applicant must also file a petition if opposed to 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 May 1, 2017.

The petition may be informal, but shall be in writing and shall 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. The hearing is an adversary proceeding and any party has the right to be present at the hearing and to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised at the hearing and decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

The May 11, 2017 hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from the applicant or any person who has filed a petition to oppose or support the application. The request for an automatic delay must be filed by May 1, 2017. If an automatic delay is

AFFIDAVIT OF PUBLICATION

RECEIVED

APR 10 2017

WATER RIGHTS
PROGRAM

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF DAVISON)

*See
Attached*

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, April 5, 2017

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: \$145.29

Signed: Penny Hohbach

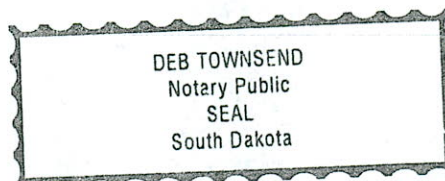
Subscribed and sworn to before me this 6th day of April, 2017.

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



LEGALS

case, the Chief Engineer finds that this application presents important issues of public interest that should be heard by the Water Management Board.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends Approval of Application No. 2758-2 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.

The Water Management Board will consider this application at 1:00 pm on May 11, 2017 in the Matthew Training Center, Joe Foss Bldg, 523 E. Capitol Ave. Pierre SD. The Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny this application based on the facts presented at the public hearing.

Any interested person who intends to participate in the hearing shall file a petition to oppose or support the application and the petition shall be filed with BOTH the applicant and Chief Engineer. The applicant must also file a petition if opposed to the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights

LEGALS

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The May 11, 2017 hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from the applicant or any person who has filed a petition to oppose or support the application. The request for an automatic delay must be filed by May 1, 2017. If an automatic delay is requested, the hearing will be rescheduled for a future Board meeting and personal notice will be provided to all petitioners regarding the time, date and location.

Notice is given to individuals with disabilities that this hearing is being

LEGALS

held in a physically accessible place. Please notify the Department of Environment and Natural Resources at least 48 hours before the hearing if you have a disability for which special arrangements must be made at the hearing. The telephone number for making arrangements is (605) 773-3352.

Under SDCL 1-26-17(7) notices must state that "if the amount in controversy exceeds \$2,500.00 or if a property right may be terminated, any party to the contested case may require the agency to use the Office of Hearing Examiners by giving notice of the request to the agency no later than ten days after service of a notice of hearing issued pursuant to SDCL 1-26-17." This is a Notice of Hearing, service is being provided by publication, and the applicable date to give notice to the Chief Engineer is April 17, 2017.

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LEGALS

46-2A-15, 46-2A-20, 46-2A-21, 46-2A-23; 46-5-1.1, 46-5-2 thru 46-5-26, 46-5-30.2 thru 46-5-30.4, 46-5-31, 46-5-32 thru 46-5-34.1, 46-5-38 thru 46-5-39, 46-5-46, 46-5-47, 46-5-49, 46-6-1 thru 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14, 46-6-21, 46-6-26; and Board Rules ARSD 74:02:01:01 thru 74:02:01:25.02.

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

Published once at a total
approximate cost of
\$145.29

NOTICE OF HEARING ON WATER PERMIT APPLICATION NO. 2758-2 to Appropriate Water

Notice is given that Steffen Farms LLC c/o A J Steffen, 34419 295th St, Burke SD 57523 has filed an application for a water permit to appropriate 63 acre-feet of water annually at a maximum diversion rate of 0.14 cubic feet of water per second from an existing well and a new well to be completed into the Ogallala Aquifer (40 feet deep) located in the NW 1/4 NW 1/4 Section 19 for commercial use in a livestock facility located in the NW 1/4 Section 19; all in T96N-R71W.

SDCL 46-2A-4(10) provides that "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 Chief Engineer's recommendation and no hearing may be held before the board, unless the Chief Engineer makes a finding that an application, even if uncontested, presents important issues of public policy or public interest that should be heard by the board." In this



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

JUL 18 2017

Steffen Farms LLC
c/o A J Steffen
34419 295th St
Burke SD 57523

Dear Mr. Steffen:

Enclosed is Water Permit No. 2758-2 authorizing construction of your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

A 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 information 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

Ron,

We are still awaiting DNR
approval from the State on our
CAFO. Our application has been
pulled awaiting County approval.
Have not been moving forward with
new well construction. Currently
we are using around 36,000
gallons daily out of existing
well. My Cell is 605-830-9295

Thanks DJ. Stetten

RECEIVED

MAR 14 2018

WATER RIGHTS
PROGRAM



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

denr.sd.gov

March 14, 2018

Steffen Farms LLC
D J Steffen
34419 295th St
Burke SD 57523

Dear Mr. Steffen:

Thank you for replying no water usage on Water Permit No. 2758-2 in response to letters from Ron Duvall with this office.

Enclosed are the Notice of Completion of Works Form, \$700 check, and receipt which you also submitted. The Notice of Completion of Works Form should be submitted when you have completed the water use project. The receipt is for your records and shows that the fee was paid on January 10, 2017. Therefore, we are returning your check.

If you have any questions, please contact us.

Sincerely,

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

enclosures



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**
JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

June 11, 2024

NOTICE OF HEARING

TO: Steffen Farms, LLC., c/o A J Steffen, 34419 295th Street, Burke SD 57523

FROM: Ron Duvall, Engineer III
for Eric Gronlund, Chief Engineer
Water Rights Program

SUBJECT: Violation of Permit Qualification to Report Annual Water Use

Our records indicate your 2023 annual water use has not been submitted for Permit No. 2758-2. The request to report water use for 2023 was dated January 5, 2024. Two follow-up attempts to get the required water use report have gone unanswered. The Water Management Board has directed owners of water permits who have not submitted the 2023 water use reporting be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No. 2758-2 qualification:

"The Permit holder shall report to the Chief Engineer annually the amount of water withdrawn from the Ogallala aquifer."

The hearing will be held at **Wednesday, July 10, 2024 at 9:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No. 2758-2 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

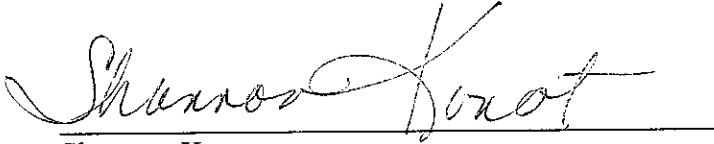
If the water use report(s) is (are) received in this office before the **July 10, 2024** hearing, you will no longer be in violation of your permit and your name will be removed from the Board agenda. You may submit your water use report by providing the information to Rachel Rodriguez at (605) 773-3352 or via email at rachel.rodriguez@state.sd.us. You may also submit the water use report via mail using the address in the NOTE at the bottom of this Notice.

NOTE: Please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD 57501 or call (605-773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.

CERTIFICATION

The undersigned hereby certifies under the penalty of perjury that a true and correct copy of a Notice of Hearing, dated June 11, 2024, concerning violation water use reporting qualification in the matter of Water Permit No. 2758-2 was served by U.S. certified mail, postage prepaid, upon the following on June 11, 2024.

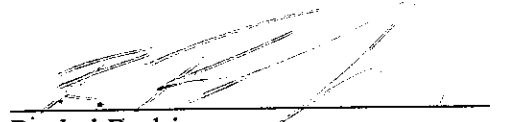
Steffen Farms, LLC.
c/o A J Steffen
34419 295th Street
Burke SD 57523



Shannon Konst
Water Rights Program, DANR

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this _____ day of _____, 2024.



Rachel Rodriguez
Notary Public
My Commission expires May 16, 2029



RE: 2023 Water Use Reporting - Message (HTML)

File

Message

Help

Acrobat

Tell me what you want to do

Delete

Archive

Reply

Reply All

Forward

Share to Teams

Info

To Manager

Team Email

Move

Tags

Editing

Immersive

Zoom

Reply with Scheduling Poll

Find Time

Translate Message

Translator

Viva Insights

Add-in

RE: 2023 Water Use Reporting

RR

Rodriguez, Rachel

To dj-steffen@goldenwest.net

Reply

Reply All

Forward

Tue 07/02/2024 11:30 AM

Good morning,

This email is just to inform you that Steffen Farms has been removed from the July Water Management Board meeting.

Thank you,

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

