

WATER PERMIT NO. 2797-2

Name of Applicant: West River/Lyman-Jones Rural Water Systems, Inc.

Address: PO Box 407, Murdo SD 57559 Phone: 605 669-2931

Amount of Water Claimed: 1.0 cfs - 455 AF Total Acres: NA

Source of Water Supply: groundwater (one well)

Water to be used for: rural water system use County: Pennington

Type of Waste Disposal System:

Location: 2 1/2 miles north of Wall

PRIORITY Date Received: 4-1-19 Application/License Fee: \$ 1,150

Corrected Application Received: 4-15-19 Period of Annual Use: January 1 – December 41

Remarks: Serve users in Haakon, Jackson and Pennington Counties

Diversion Point: NW 1/4 NW 1/4 Sec 19-T1N-
R16E

Land to be Irrigated: NA

Depth of Well: 3,250 feet

Well Driller:

Remarks:

Type of Map: aerial map

Prepared by:

Reviewed and the Number Assigned on: 4-15-19

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____

19

SOUTH DAKOTA
WATER PERMIT NO. 2797-2

Date of first receipt of application April 1, 2019.

Date of return to applicant for corrections, amendments or changes April 2, 2019.

Date of receipt of corrected application April 15, 2019.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 2797-2 to West River / Lyman-Jones Rural Water Systems, Inc., c/o Jake Fitzgerald, PO Box 407, Murdo SD 57559 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. 2797-2 appropriates 455 acre-feet of water annually at a maximum pump rate of 1.0 cubic feet of water per second from one well to be completed into the Inyan Kara Aquifer (3,250 feet deep) located in the NW 1/4 NW 1/4 Section 19-T1N-R16E. This well site is located approximately 2 1/2 miles north of Wall SD.
2. The water appropriated shall be used for rural water system use serving users in Haakon, Jackson and Pennington Counties and may not exceed the amount of water needed for beneficial use.
3. The water is to be used during the following described annual period: January 1 – December 31.
4. The date of approval of Permit No. 2797-2 is July 1, 2019.
5. The date from which applicant may claim right is April 1, 2019.
6. One-fifth of the construction is to be completed on or before January 1, 2022.
7. All construction is to be completed on or before July 1, 2024.
8. Water is to be put to beneficial use on or before July 1, 2028.
9. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The well authorized by Permit No. 2797-2 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. The permit holder shall report to the Chief Engineer annually the amount of water withdrawn from the Inyan Kara aquifer.
4. Water Permit No. 2797-2 authorizes a total annual diversion of 455 acre-feet of water.

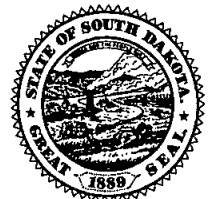
WATER MANAGEMENT BOARD

By: *Jeanne Goodman*

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

JUL 18 2019

date



RECEIVED

APR 01 2019

WATER RIGHTS
PROGRAM

Mail to: DENR - Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. <u>2797-2</u> (office use only) Hydrologic Unit <u>10140102</u>
	Basin <u>Bad River</u>
	Newspaper <u>Pioneer Review, Philip</u> <u>Kadoka Press & Rapid City Journal</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.)

N/A1. Name to Appear on Water Permit West River / Lyman-Jones Rural Water Systems, Inc.Mailing Address P.O. Box 407 Murdo SD 57559
(Address) (City) (State) (Zip Code)Phone 605.669.2931 Mobile N/A Email jfitzgerald@wrlj.com2. Amount of water claimed 1.0 *CFS or 450 **GPM and 455 ***AF or _____ Gallons
Flow rate and volume are both required. (*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use)3. Source of water supply Inyan Kara aquifer4. Location of point of diversion 1 well in NW 1/4 NW 1/4 Section 19 T1N-R16E County Pennington
(example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)If not a public water supply (e.g. municipal), will water be used outside of the area described above? ☐ Yes ☐ NoIf "Yes," where will water be used? N/A

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

5. County or counties where water will be used Haakon, Jackson, Pennington6. Annual period during which water is to be used year-round Jan 1 - Dec 31

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

A new well is needed to supply increased water demands to the western service areas of West River / Lyman-Jones Rural Water Systems, Inc. West River / Lyman Jones provides potable water for domestic, livestock, and commercial uses including service to many communities in Western South Dakota.

I, Jake Fitzgerald Jake Fitzgerald Manager, 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.

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 _____ Provide copy of log(s), if available. Drilled by _____

For either Existing or Proposed Wells:

- c) Well Depth (required) ~3250 Depth to Top of Water Bearing Material ~3100 Depth to Water from Surface TBD
- d) Distance to nearest domestic well on applicant's property None Property owned by others 2 miles

2. Wastewater Disposal System Information

- a) Type of System (i.e. septic tank, drain field) N/A
- b) System Capacity (gallons) _____ Year Constructed _____
- c) Connected to the City of _____ Sanitary System

3. Dugout Information

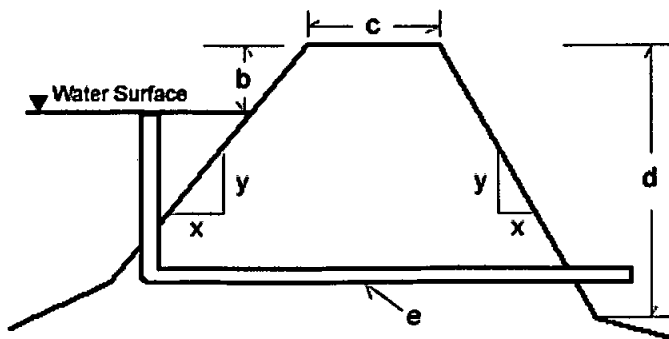
- a) Surface Dimensions N/A Depth _____
- b) Depth to water (ground surface to water level) _____

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.

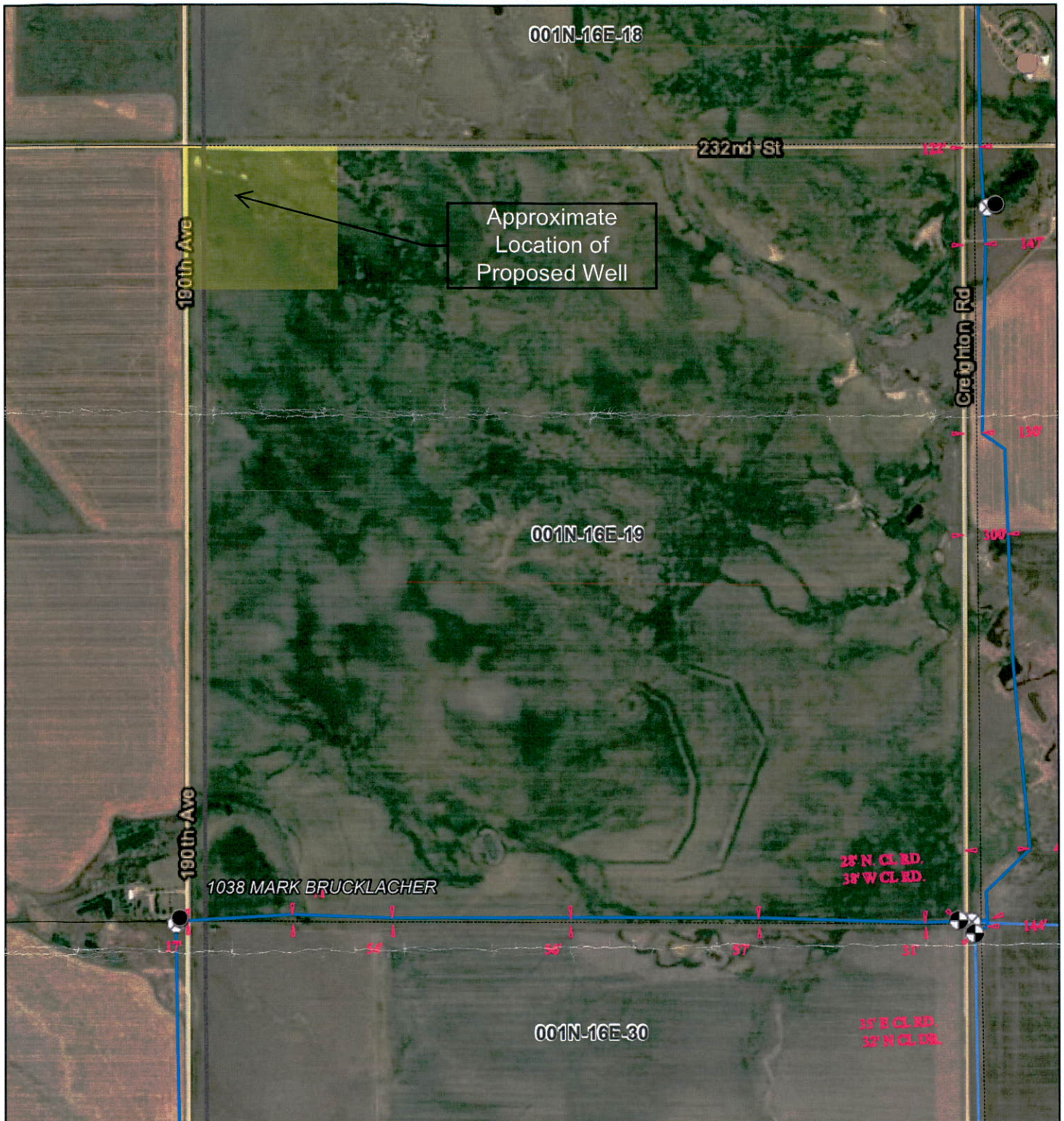
- a) If a private engineering firm or government agency was involved in the design of this dam, please give their name and address:

N/A

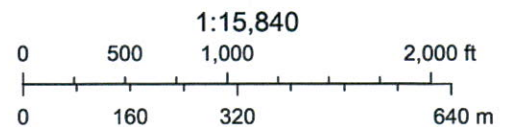


- b) Freeboard _____
- c) Crest Width _____
Crest Length _____
- d) Height _____
- e) Primary Outlet Capacity _____
If pipe, diameter _____
- f) Secondary Spillway Capacity _____
Spillway Width _____
- g) X & Y Slope (e.g. 3 to 1 is a typical slope)
Upstream _____
Downstream _____
- h) Surface Area of Impoundment _____
- i) Storage _____ Acre Feet
- j) Drainage Area Above Dam _____ Acres

West River / Lyman Jones Rural Water



2/15/2019, 4:31:51 PM



Esri, HERE, Garmin, © OpenStreetMap contributors, Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date April 1, 20 19

RECEIVED OF West River/Lyman-Jones Rural Water Systems, Inc. PO Box 407 Murdo 57559

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

Fee for Application for Permit No. <u>2797-2</u> to Appropriate Water, to construct and to put water to beneficial use	115	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. _____		
Fee for Filing Transfer Form _____		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	115 00

No. **09107**

By Jeanne Goodman
Chief Engineer vn

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date April 15, 20 19

RECEIVED OF West River/Lyman-Jones Rural Water Systems, Inc. PO Box 407 Murdo SD 57559-0407

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

Fee for Application for Permit No. <u>2797-2</u> to Appropriate Water, to construct and to put water to beneficial use	835	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>2797-2</u>	200	00
Fee for Filing Transfer Form _____		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	1035 00

No. **09117**

By

Jeanne Goodman
Chief Engineer

2721



RECEIVED

APR 01 2019

WATER RIGHTS
PROGRAM

March 26, 2019

DENR – Water Rights
523 East Capitol Ave
Pierre, SD 57501-3182

Re: Application for Water Permit

Dear Water Rights Program:

WR/LJ Rural Water would like to drill a new well north of Wall, SD to increase the system's supply capacity in the western portion of the service area. Enclosed with this letter is the application information.

Please contact me if you have any questions or need additional information.

Sincerely,

Jake Fitzgerald
Manager

Enclosures: Form 2 and Form 2A
Map
Fee Payment

cc: Matt Oedekoven, P.E.
DGR Engineering

Mike Vetter, Operations Foreman
WR/LJ Rural Water



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

denr.sd.gov

April 2, 2019

West River/Lyman Jones RWS Inc.
c/o Jake Fitzgerald
PO Box 407
Murdo SD 57559

Dear Mr. Fitzgerald:

Thank you for submitting the *Application for a Permit to Appropriate Water* for rural water system use. In order to complete the application, the following is required.

- The application/license filing fee based on 455 acre-feet is \$1,150. A check for \$115 was submitted with the application. An additional \$1,035 will be required.
- Also, as stated in your phone conversation with Eric Gronlund, this application will be considered a "New" application and not a "Future Use Reservation".

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

Sincerely,

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



PAID
APR 15 2019
Ck# 32549

April 8, 2019

DENR – Water Rights
523 East Capitol Ave
Pierre, SD 57501-3182

RECEIVED

APR 15 2019

WATER RIGHTS
PROGRAM

Re: Application for Water Permit

Dear Water Rights Program:-----

Thank you for your letter dated April 2, 2019 in regard to WR/LJ Rural Water's recent submitted application. Enclosed with this letter is a check in the amount of \$1,035 for a "New" application.

Please contact me if you have any questions or need additional information.

Sincerely,

A handwritten signature in black ink that reads 'Jake Fitzgerald'.

Jake Fitzgerald
Manager

Enclosures: Fee Payment

cc: Matt Oedekoven, P.E.
 DGR Engineering

Mike Vetter, Operations Foreman
WR/LJ Rural Water

Schlaak, Karen

From: Jake Fitzgerald <jfitzgerald@wrlj.com>
Sent: Monday, April 15, 2019 1:37 PM
To: Schlaak, Karen
Subject: Re: [EXT] New application

Karen -

Water from this well would only reach Pennington, Haakon and Jackson.

Thanks
Jake

On Mon, Apr 15, 2019 at 1:29 PM Schlaak, Karen <Karen.Schlaak@state.sd.us> wrote:

Mr. Fitzgerald,

We received the additional money today for the new water permit application. I have a question regarding the county or counties where water will be used. Listed are Haakon, Jackson, Pennington. Will water from this well serve users in any additional counties? This will dictate what newspapers the public notice is required to be published in.

If you have questions, please let me know.

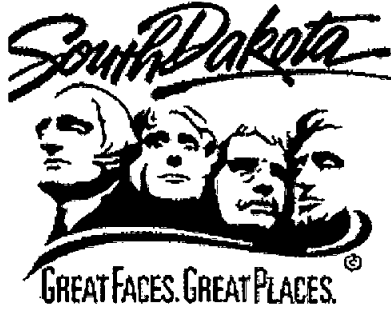
Karen Schlaak

SD DENR, Water Rights Program

(605) 773-3352



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**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. 2797-2, West River / Lyman-Jones Rural Water System Inc.**

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. 2797-2, West River / Lyman-Jones Rural Water System Inc., c/o Jake Fitzgerald, PO Box 407, Murdo SD 57559.

The Chief Engineer is recommending APPROVAL of Application No. 2797-2 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) it is in the public interest with the following qualifications:

1. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The well authorized by Permit No. 2797-2 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. The permit holder shall report to the Chief Engineer annually the amount of water withdrawn from the Inyan Kara aquifer.
4. Water Permit No. 2797-2 authorizes a total annual diversion of 455 acre foot of water.

See report on application for additional information.

Jeanne Goodman, Chief Engineer
June 10, 2019

REPORT ON PERMIT APPLICATION NO. 2797-2
West River/Lyman-Jones Rural Water Systems, Inc
June 6, 2019

Water Permit Application No. 2797-2 requests the appropriation of 455 acre-feet of water annually at a maximum pump rate of 1.0 cubic feet per second (cfs) of water from one well to be completed into the Inyan Kara aquifer with an approximate depth of 3,250 feet located in the NW ¼ NW ¼ Section 19-T115N-R68W for rural water system use serving users in Haakon, Jackson and Pennington Counties. This well site is located approximately 2 ½ miles north of Wall, SD.

Aquifer: Inyan Kara (INKR)

Hydrogeology

The Inyan Kara aquifer is a regional aquifer that underlies much of the northern great plains and extends up into Canada. The Inyan Kara Group is made up of two lower Cretaceous Formations: the Lakota and Fall River Formations. The Lakota Formation is comprised of fluvial sandstone, siltstone, and shale with the bulk of the formation consisting of fine-grained sandstone (Downey, 1986). The Fall River Formation overlies the Lakota Formation and is the result of the initial advance of the early Cretaceous sea which deposited fine sand, silt, and clay subsequently forming sandstone, siltstone, and claystone (Downey, 1986). For the purpose of appropriations, the Water Management Board and the DENR-Water Rights Program consider the Inyan Kara group as one aquifer.

In Pennington County, the Inyan Kara aquifer has an estimated areal extent of 1,245,440 acres and 23,353,000 acre-feet of recoverable water (Allen, Illes, & Petres, 1985). At the proposed site for this application, the Inyan Kara aquifer is estimated to be approximately 175 feet thick with a depth to top of formation of approximately 3,070 feet below grade (Gries, 1981) and is expected to be confined.

South Dakota Codified Law 46-2A-9

Pursuant to SDCL 46-2A-9, "A permit to appropriate water may be issued only if there is reasonable probability that there is unappropriated water available for the applicant's proposed use, that the proposed diversion can be developed without unlawful impairment of existing rights and that the proposed use is a beneficial use and in the public interest." This report will address the availability of unappropriated water and potential impacts to existing rights within the Inyan Kara aquifer.

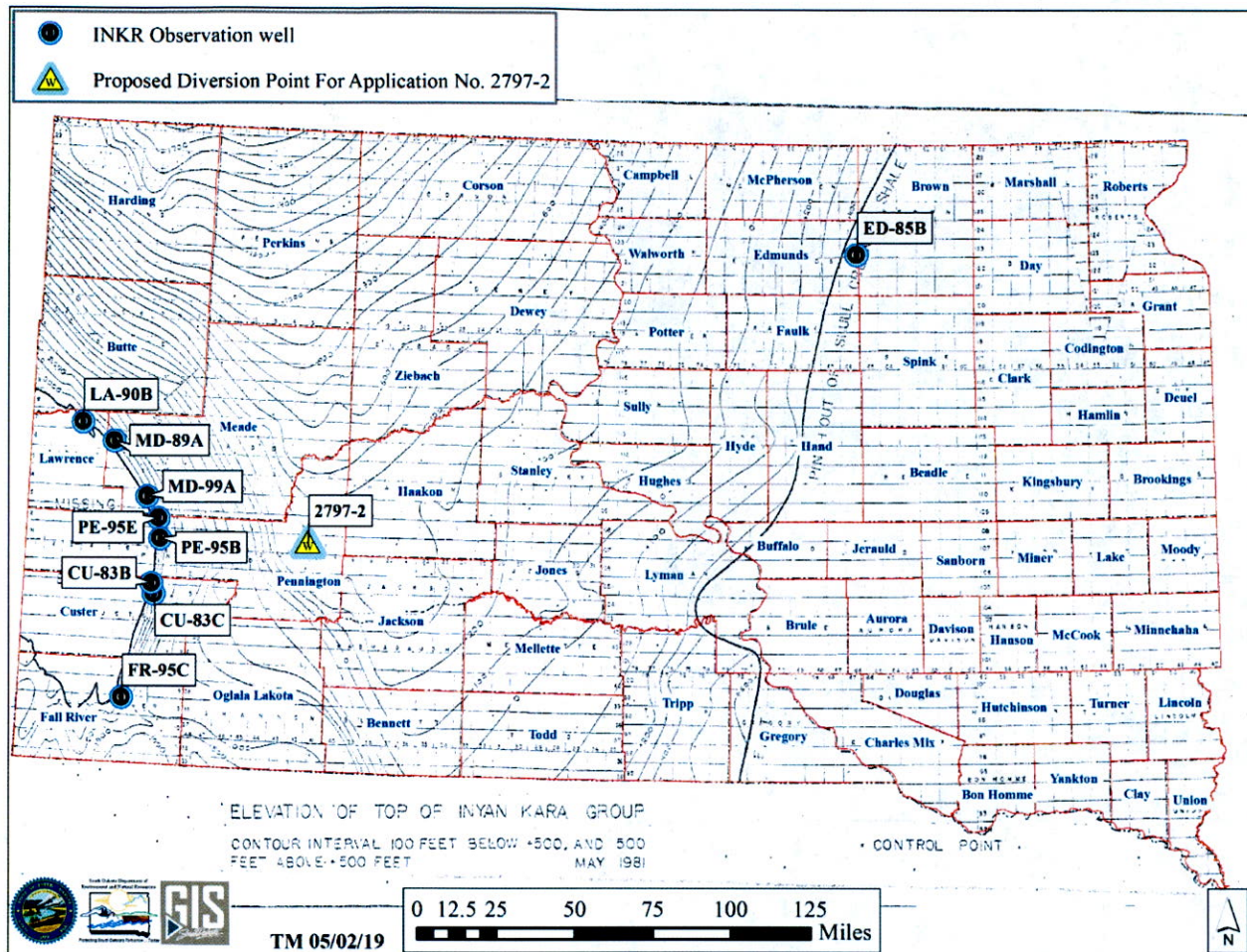


Figure 1: The proposed diversion point for Application No. 2797-2, observation wells completed into the Inyan Kara aquifer, elevation of top of the Inyan Kara aquifer, and areal extent of the Inyan Kara aquifer in South Dakota (modified from Gries, 1981)

Water Availability

SDCL 46-6-3.1 is considered when evaluating the probability of unappropriated water from an aquifer and states "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. An application may be approved, however, for withdrawals of groundwater from any groundwater formation older than or stratigraphically lower than the greenhorn formation in excess of the average estimated annual recharge for use by water distribution systems." Although the Inyan Kara aquifer is older or lower than the Greenhorn Formation, and there is a water distribution system involved, a brief discussion on recharge/withdrawals from the aquifer is included below.

Hydrologic Budget

Recharge

The Inyan Kara aquifer receives recharge from infiltration of precipitation on the outcrop area and may also receive leakage from underlying aquifers (Driscoll & Carter, 2001; Gott, Wolcott, & Bowles, 1974; Swenson, 1968). Driscoll & Carter (2001) analyzed precipitation data from 1950 to 1998 over the Black Hills area and determined that precipitation averaged 17.84 inches per year with an estimated evapotranspiration loss of 17.05 inches per year resulting in a total yield of 0.79 inches per year over the Inyan Kara outcrop area within the study area. A recharge factor of 0.80 was used for the Inyan Kara aquifer due to the formation containing more shale layers than the Madison, Minnelusa, and Minnekahta formations, the remaining 0.20 is assumed to contribute to runoff. The outcrop area of the Inyan Kara group was estimated to be 219,700 acres in South Dakota resulting in an estimated average annual precipitation recharge of 11,600 acre-feet per year after accounting for evapotranspiration and runoff. This estimate is conservative, and additional recharge is likely occurring due to upward leakage from underlying aquifers and areas other than the Black Hills where the Inyan Kara aquifer outcrops.

Discharge

Currently, there are 191 water rights/permits appropriating water from the Inyan Kara aquifer and one future use permit (1780-2 reserves 142 acre-feet per year) reserving water from the aquifer, and two pending applications (Application Nos. 2686-2 and 1989-1) (Water Rights, 2019a). There are a number of well completion reports on file with SD DENR- Water Rights Program for domestic wells within several miles of the proposed well site, none of which appear to be completed into the Inyan Kara aquifer (Water Rights, 2019b).

In November of 2018, Mathiowetz (2018) estimated the average annual withdrawals from the Inyan Kara aquifer in South Dakota to be 10,890 ac-ft/yr. Mathiowetz's (2018) estimated average annual withdrawal calculation was based on an updated estimate from Buhler (2012). Buhler (2012) estimated average annual withdrawals based on the following criteria: 1) annual water use reported in the latest public water system survey for municipal, suburban housing development and rural water system appropriations where applicable; 2) calculated annual use based permitted animals and rates of 20 gallons per day for beef cattle, 5 gallons per day for swine, 15 gallons per 100 turkeys, and 9 gallons per 100 chickens for large confinement operations permitted by DENR; 3) irrigation questionnaire reporting for irrigation permits when available; 4) the most current water use reported for non-irrigation appropriations that are required to report; 5) assuming unreported water rights/permits limited to an annual volume will be used to the maximum and water rights/permits limited by diversion rate will be used 60% of the time at the maximum diversion rate for their annual use period.

Other than the approval of the permit cited in Mathiowetz's (2018) report, and one pending Application No. 1989-1 there have been no additional water permits, and no permits have been licensed since that report. Assuming Application No. 1989-1 (1 ac-ft/yr) is approved this brings the total estimated average annual discharge from the Inyan Kara aquifer to 11,859 ac-ft/yr.

Hydrologic Budget Summary

The estimated average annual recharge to the Inyan Kara aquifer from precipitation on the outcrop in South Dakota is 11,600 ac-ft/year. The estimated average annual withdrawal from the Inyan Kara aquifer is estimated to be 11,859 ac-ft/yr. If approved this application will use an estimated 455 ac-ft/yr assuming full appropriation bringing the total estimated average annual withdrawal from the Inyan Kara aquifer to 12,314 ac-ft/yr.

There is no average annual recharge estimation of the Inyan Kara aquifer in its entirety. The estimated average annual recharge cited in this report only accounts for precipitation on the Inyan Kara outcrop in South Dakota and as such does not account for other factors contributing to recharge. Although the estimated average annual withdrawal exceeds the estimated average annual recharge, there is likely additional recharge occurring due to upward leakage from underlying aquifers.

Observation Well Data

In determining the availability of unappropriated water for a permit application, Administrative Rule of South Dakota (ARSD) 74:02:05:07 requires the Water Management Board to rely on the record of observation well measurements, in addition to other data, to determine that the quantity of water withdrawn annually from the aquifer does not exceed the estimated average annual recharge to the aquifer.

The DENR-Water Rights Program monitors nine observation wells completed into the Inyan Kara aquifer (Water Rights, 2019c). The location of this proposed application is approximately 47 miles to the nearest observation well (PE-95B to the west). Due to the distance to the nearest observation well, these observation wells provide data on how the aquifer reacts to regional climatic conditions and pumping in the immediate vicinity of those observation wells and may not reflect the conditions of the aquifer in the area of this application. The Black Hills Inyan Kara outcrop is a primary recharge area for the Inyan Kara aquifer and as such the observation wells near the outcrop will show higher recharge than areas downgradient of them. Eight observation wells are within 3 miles of where the Inyan Kara outcrops in the Black Hills. Three observation wells show the effects of seasonal pumping and recovery, MD-89A (70 miles northwest), MD-99A (54 miles northwest) and PE-95E (49 miles northwest) to a greater extent than other observation wells indicating increased pumping in those areas as seen in Figures 1 and 4. Observation well ED-85B is approximately 200 miles to the northeast of the proposed diversion point for Application No. 2797-2 and as such is not included in the hydrograph (Figure 4).

The water levels in the observation wells show that the amount of recharge to and natural discharge from the aquifer greatly exceeds pumping with the aquifer returning to pre-pumping condition between irrigation seasons. Therefore, recharge to, and natural discharge from the Inyan Kara aquifer can be captured for pumping, and the hydrographs document that unappropriated water is available for this proposed appropriation.

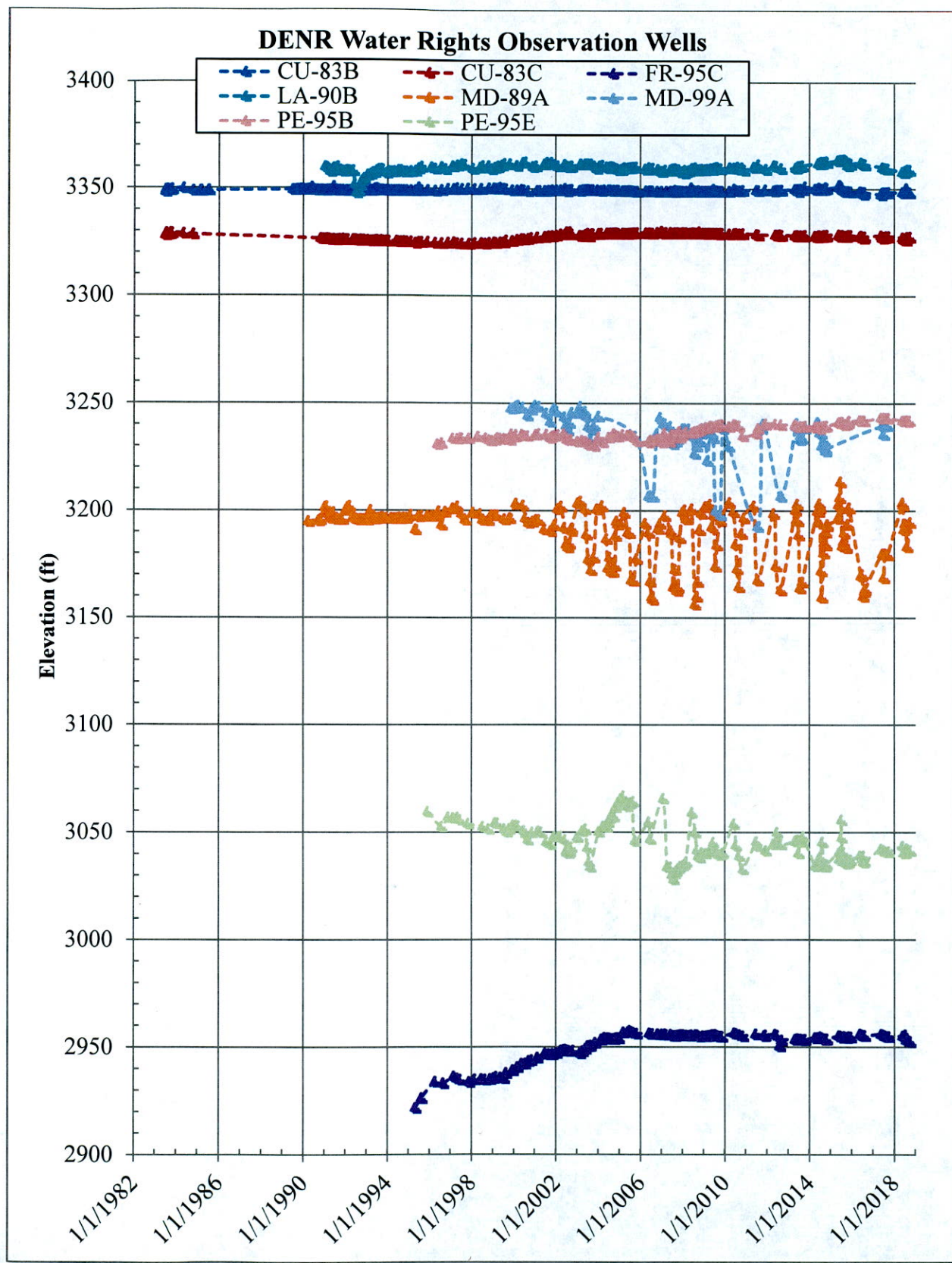


Figure 4: Hydrograph for Observation Wells CU-83B, CU-83C, FR-95C, LA-90B, MD-89A, MD-99A, PE-95B, and PE-95E (Water Rights, 2019c).

Existing Water Rights

Currently, there are 191 water rights/permits appropriating water from the Inyan Kara aquifer (Water Rights, 2019a). The nearest water right/permit to the applicant's proposed diversion point is approximately 2 miles to the south (Figure 3). There are a number of domestic wells on file with the SD DENR-Water Rights Program none of which appear to be completed into the Inyan Kara within the area illustrated in Figure 3 (Water Rights, 2019b).

Table 3: Nearby water rights/permits currently authorized to withdraw water from the Inyan Kara aquifer illustrated in Figure 3.

Permit No.	Name	Status	Use	Rate (cfs)	Acres
639-2	City Of Wall	LC	MUN	0.5	N/A
724-2	City Of Wall	LC	MUN	1	N/A
998-2	City Of Wall	LC	MUN	0.33	N/A
1102-2	Donald & Robert Kelly	LC	COM	0.22	N/A
1361-2	City Of Wall	LC	MUN	0.45	N/A
1647-2	Town Of Quinn	LC	MUN	0.2	N/A
2075-2	City Of Wall	LC	MUN	0.41	N/A
2465-2	West River Lyman Jones	LC	RWS	1	N/A
2596-2	City Of Wall	LC	MUN	0.6	N/A

LC = Water Right, MUN = Municipal, COM = Commercial, RWS = Rural Water System

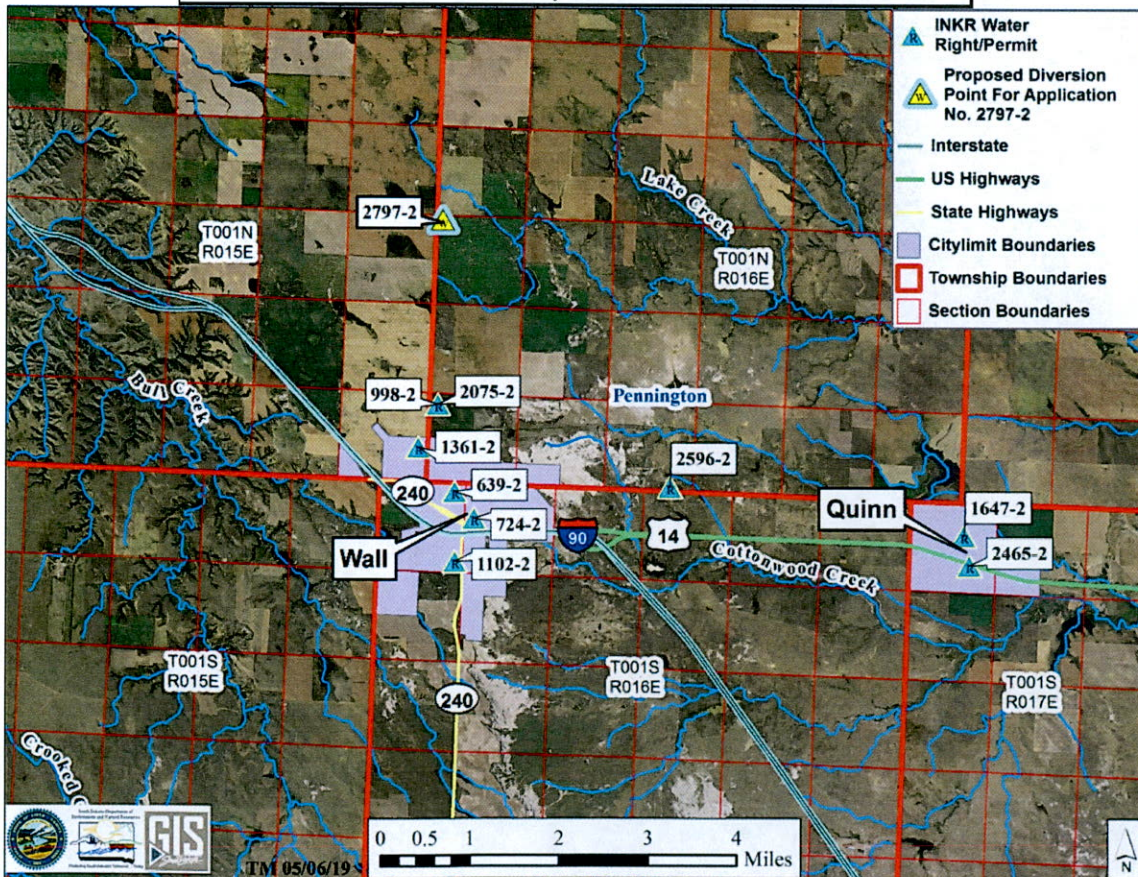


Figure 3: Map showing the location of the proposed diversion point and nearby water rights/permits (Water Rights, 2019a; Water Rights, 2019c).

The Inyan Kara aquifer is confined in this area, so drawdown from pumping could extend a significant distance from the proposed well site. The thickness of the Inyan Kara aquifer in the area of this application is expected to be 175 feet. This would allow sufficient thickness for a pump to be placed 20 feet below the top of the aquifer. Nearby adequate wells should not be adversely impacted by pumping at this proposed diversion rate.

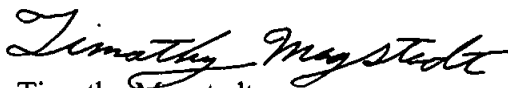
An adequate well as defined in ARSD 74:02:04:20(6):

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

SDCL 46-6-6.1 does not necessarily protect artesian head pressure as a means of delivery, and in the past, the Water Management Board has recognized that to place water to maximum beneficial use, a certain amount of drawdown may occur (Water Rights, 1995). Given the artesian head pressure at the well site, the thickness of the Inyan Kara aquifer in the area, and the nearest water right/permit being approximately 2 miles to the south well interference from this proposed diversion is not expected to cause an adverse impact. Therefore, there is a reasonable probability that any interference created by pumping for this proposed appropriation will not be adverse.

Conclusions

1. Water Permit Application No. 2797-2 requests the appropriation of 455 acre-feet of water annually at a maximum pump rate of 1.0 cubic feet per second (cfs) of water from one well to be completed into the Inyan Kara aquifer with an approximate depth of 3,250 feet for rural water system use serving users in Haakon, Jackson and Pennington Counties.
2. Based on observation well data and the hydrologic budget, there is a reasonable probability that unappropriated water is available from the Inyan Kara aquifer.
3. There is a reasonable probability that the diversion proposed by this application will not adversely impact adequate wells for existing water rights and domestic use.



Timothy Magstadt

Natural Resources Engineer I

SD DENR – Water Rights Program

References

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- Buhler, K. A. (2012). *Report to The Chief Engineer on Water Permit Application No. 2686-2, Powertech (USA) Inc.* SD DENR-Water Rights Program. Joe Foss Bldg., Pierre, SD.
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- Swenson, F. A. (1968). *New Theory of Recharge to the Artesian Basin of the Dakotas; Bulletin 1081-B.* Geological Society of America.
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- Water Rights. (2019a). *Water Right/Permit Files.* Joe Foss Bldg., Pierre, South Dakota.: SD DENR-Water Rights Program.
- Water Rights. (2019b). *Well Completion Report Files.* Joe Foss Bldg., Pierre, South Dakota.: SD DENR-Water Rights Program.
- Water Rights. (2019c). *Observation Well Database.* Joe Foss Bldg., Pierre, South Dakota.: SD DENR-Water Rights Program.

Schlaak, Karen

From: Schlaak, Karen
Sent: Monday, June 10, 2019 9:22 AM
To: Jake Fitzgerald (jfitzgerald@wrlj.com)
Subject: Water Permit Application No. 2797-2
Attachments: 2797-2.pdf

Jake,
Attached is the report, recommendation and information regarding the public notice for Water Permit Application No. 2797-2. As stated in the letter, you need to contact the 3 papers to authorize publication and arrange for payment. I have emailed the notice to each paper.

If you have questions, please let me know.

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

denr.sd.gov

**NOTE: TO BE SURE OF PUBLICATION ON
THE CORRECT DATES, CONTACT
THE NEWSPAPERS RIGHT AWAY.**

June 10, 2019

West River / Lyman-Jones Rural Water Systems Inc
c/o Jake Fitzgerald
PO Box 407
Murdo SD 57559

Dear Mr. Fitzgerald:

Water Permit Application No. 2797-2 for rural water system use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice has been sent to the following papers:

Pioneer Review, Philip SD 605 859-2516 ✓
Kadoka Press, Kadoka SD 605 837-2259 ✓
Rapid City Journal, Rapid City SD 605 394-8300 ✓

You will need to contact the newspapers and authorize publication of this notice. For your information, a copy of the notice, the recommendation of the Chief Engineer and report on the application are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

Be sure to contact the above newspapers to authorize publication of your Notice and to arrange for payment. Early contact with the papers can eliminate delays. Upon receiving authorization from you, the 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.

Schlaak, Karen

From: Schlaak, Karen
Sent: Monday, June 10, 2019 9:11 AM
To: RCY Legals (legals@rapidcityjournal.com)
Subject: 2797-2, West River / Lyman-Jones RWS
Attachments: 2797-2public.short.docx; Form 8.pdf

Attached is a notice to be published on June 20, 2019.

West River /Lyman-Jones RWS c/o Jake Fitzgerald, PO Box 407, Murdo SD 57559 (605 669-2931) has been notified to contact you to authorize publication and arrange for payment.

Please send the affidavit or return the attached Proof of Publication form ASAP to the Water Rights Program, 523 E Capitol, Pierre SD 57501.

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: Monday, June 10, 2019 9:10 AM
To: 'press@kadokatelco.com'
Subject: 2797-2, West River / Lyman-Jones RWS
Attachments: 2797-2public.short.docx; Form 8.pdf

Attached is a notice to be published on June 20, 2019.

West River /Lyman-Jones RWS c/o Jake Fitzgerald, PO Box 407, Murdo SD 57559 (605 669-2931) has been notified to contact you to authorize publication and arrange for payment.

Please send the affidavit or return the attached Proof of Publication form ASAP to the Water Rights Program, 523 E Capitol, Pierre SD 57501.

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: Monday, June 10, 2019 9:10 AM
To: newsdesk@pioneer-review.com
Subject: 2797-2, West River / Lyman-Jones RWS
Attachments: 2797-2public.short.docx; Form 8.pdf

Attached is a notice to be published on June 20, 2019.

West River /Lyman-Jones RWS c/o Jake Fitzgerald, PO Box 407, Murdo SD 57559 (605 669-2931) has been notified to contact you to authorize publication and arrange for payment.

Please send the affidavit or return the attached Proof of Publication form ASAP to the Water Rights Program, 523 E Capitol, Pierre SD 57501.

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

Karen Schlaak

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



NOTICE OF APPLICATION NO. 2797-2 to Appropriate Water

Notice is given that West River / Lyman-Jones Rural Water Systems Inc., c/o Jake Fitzgerald, PO Box 407, Murdo SD 57559 has filed an application for a water permit to appropriate 455 acre-feet of water annually at a maximum pump rate of 1.0 cubic feet of water per second from one well to be completed into the Inyan Kara Aquifer (3,250 feet deep) located in the NW 1/4 NW 1/4 Section 19-T1N-R16E for rural water system use serving users in Haakon, Jackson and Pennington Counties. This well site is located approximately 2 1/2 miles north of Wall SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2797-2 with qualifications because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. The Chief Engineer's recommendation with qualifications, the application, and staff report are available at <http://denr.sd.gov/public> or contact Eric Gronlund for this information, or other information, at the Water Rights Program address provided below.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by July 1, 2019.

The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained.

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

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

**WATER RIGHTS
PROGRAM**

NOTICE OF APPLICATION

NO. 2797-2 TO
APPROPRIATE WATER

Notice is given that West River /Lymari-Jones Rural Water Systems Inc., c/o Jake Fitzgerald, PO Box 407, Murdo SD 57559 has filed an application for a water permit to appropriate 455 acre-feet of water annually at a maximum pump rate of 1.0 cubic feet of water per second from one well to be completed into the Inyan Kara Aquifer (3,250 feet deep) located in the NW 1/4 NW 1/4 Section 19-T1N-R16E for rural water system use serving users in Haakon, Jackson and Pennington Counties. This well site is located approximately 2 1/2 miles north of Wall SD.

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

Published June 20, 2019 at the total approximate cost of \$29.52.

PUBLISHER'S AFFIDAVIT OF PUBLICATION

[illegible]

I, Selma Thorson of said County and State, being duly sworn on oath says: KADOKA PRESS is a weekly newspaper of general circulation, published in KADOKA, in said County and State and has been such newspaper during the times thereafter mentioned; that the said KADOKA PRESS is a legal newspaper and has been in existence for more than one year immediately preceding the first publication herein mentioned; and has more than 200 bona fide subscribers; that I, the undersigned, am Billing Manager of said newspaper, and have personal knowledge of all facts stated in this affidavit; and that the advertisement headed:

DENR

Notice of Application No. 2797-2

A printed copy of which is hereto attached, was printed and published in said newspaper for 1 successive issues, the first publication being on the 20th day of June, 2019, and the last publication on the 20th day of June, 2019, that \$29.52 the full amount of the fee for publication of the annexed notice insures solely to the benefit of the publishers of the said newspaper; that no arrangement or understanding for a division thereof has been made with any person and that no part thereof has been agreed to be paid to any other person whomsoever

Helma Thorsen

Subscribed and sworn to me before this 30th of June, 2019.

Tamarakawellat

Notary Public, State of South Dakota

My Commission Expires

January 24, 2020



NO. 2797-2 TO
APPROPRIATE WATER

APPROPRIATE WATER

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2797-2 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 petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained.

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

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

Published June 20, 2019 at the total approximate cost of \$29.52.

**WATER RIGHTS
PROGRAM**

}

Affidavit of Publication

RECEIVED

STATE OF SOUTH DAKOTA

JUN 24 2019

County of Pennington

SS:

WATER RIGHTS
PROGRAM

June 20 L21117423
NOTICE OF APPLICATION
NO. 2797-2 to Appropriate Water
Notice is given that West River /
Lyman-Jones Rural Water Sys-
tems Inc., c/o Jake Fitzgerald, PO
Box 407, Murdo SD 57559 has filed
an application for a water permit
to appropriate 455 acre-feet of
water annually at a maximum
pump rate of 1.0 cubic feet of
water per second from one well to
be completed into the Inyan Kara
Aquifer (3,250 feet deep) located
in the NW 1/4 NW 1/4 Section
19-T1N-R16E for rural water sys-
tem use serving users in Haakon,
Jackson and Pennington Counties.
This well site is located approxi-
mately 2 1/2 miles north of Wall
SD.

Pursuant to SDCL 46-2A-2, the
Chief Engineer recommends AP-
PROVAL of Application No. 2797-2
with qualifications because 1) un-
appropriated water is available, 2)
existing rights will not be unlaw-
fully impaired, 3) it is a beneficial
use of water, and 4) it is in the public
interest. The Chief Engineer's
recommendation with qualifica-
tions, the application, and staff re-
port are available at
<http://denr.sd.gov/public> or
contact Eric Gronlund for this infor-
mation, or other information, at
the Water Rights Program ad-
dress provided below.

Any person interested in opposing
or supporting this application or
recommendation must file a writ-
ten petition with BOTH the appli-
cant and Chief Engineer. The ap-
plicant must file a petition if con-
testing the Chief Engineer's rec-
ommendation. The Chief
Engineer's address is "Water
Rights Program, Foss Building,
523 E Capitol, Pierre SD 57501 (605
773-3352)* and the applicant's mail-
ing address is given above. A peti-
tion filed by either an interested
person or the applicant must be
filed by July 1, 2019.

The petition may be informal, but
must include a statement describ-
ing the petitioner's interest in the
application, the petitioner's rea-
sons for opposing or supporting the
application, and the signature and
mailing address of the petitioner
or the petitioner's legal counsel, if
legal counsel is obtained.

If the applicant does not contest
the recommendation of the Chief
Engineer and no petition to oppose
the application is received, the
Chief Engineer shall act on the ap-

plication with no hearing held
before the Water Management
Board. If a petition opposing the
application or contesting the rec-
ommendation is filed, then a hear-
ing will be scheduled and the
Water Management Board will
consider this application. Notice
of the hearing will be given to the
applicant and any person filing a
petition.

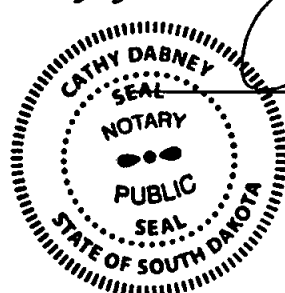
Steven M. Pirner
Secretary
Department of Environment and
Natural Resources

(Published once at an approximate cost
of \$42.19)

Sheri Sponder being first duly sworn, upon his/her oath says: That
he/she is now and was at all time hereinafter mentioned, an
employee of the RAPID CITY JOURNAL, a corporation of Rapid
City, South Dakota, the owner and publisher of the RAPID CITY
JOURNAL, a legal and daily newspaper printed and published in
Rapid City, in said County of Pennington, and has full and
personal knowledge of all the facts herein stated as follows: that
said newspaper is and at all of the times herein mentioned has been
a legal and daily newspaper with a bonafide paid circulation of at
least Two Hundred copies daily, and has been printed and published
in the English language, at and within an office maintained by the
owner and publisher thereof, at Rapid City, in said Pennington
County, and has been admitted to the United States mail under the
second class mailing privilege for at least one year prior to the
publication herein mentioned; that the advertisement, a printed
copy of which, taken from said Rapid City Journal, the paper in
which the same was published, is attached to this sheet and made a
part of this affidavit, was published in said paper once each
_____ day for _____ one _____ successive
_____ day, the first publication there of being on the
_____ 20th _____ day of _____ June 2019 _____ that the fees charged for
the publication there of are _____ 42 _____ dollars
and _____ 19 _____ cents.

Sheri Sponder

Subscribed and sworn to before me this 21st
day of June, 2019.



Cathy Dabney
Notary public

4-16-2024

My commission expires



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

JUL 18 2019

West River/Lyman-Jones Rural Water Systems Inc.
c/o Jake Fitzgerald
PO Box 407
Murdo SD 57559

Dear Mr. Fitzgerald:

Enclosed is Water Permit No. 2797-2 authorizing construction of the water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

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

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

Sincerely,

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

enclosures

2797-2

SD EForm - 1311LD V1

Form 10

**NOTICE OF COMPLETION OF WORKS AND
APPLICATION OF WATER TO BENEFICIAL USE**

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

Date May 25, 2021

FROM: West River Lyman Jones Rural Water Systems Inc
(name)

PO Box 407

(address)

Murdo

(city)

SD

(state)

57559

(zip)

605-669-2931

(phone)

I have completed the construction of the water use system and I have put the water to beneficial use to the maximum extent it is going to be used.

Water Permit No. 2797-2 states that the water use system is to be constructed by

July 1, 2024

(date)

, and water is to be put to beneficial use by July 1, 2028

(date)

The water use system was completed on December 10, 2020

(date)

Applying the water to beneficial use was completed on May 25, 2021

(date)

You may schedule an investigation so that the water license may be issued.

John F. B. A.
Manager
5/25/21



RECEIVED

MAY 28 2021

WATER RIGHTS
PROGRAM



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

June 3, 2021

2797-2

Jake Fitzgerald
West River Lyman Jones RWS Inc
PO Box 407
Murdo SD 57559-0407

Dear Mr. Fitzgerald:

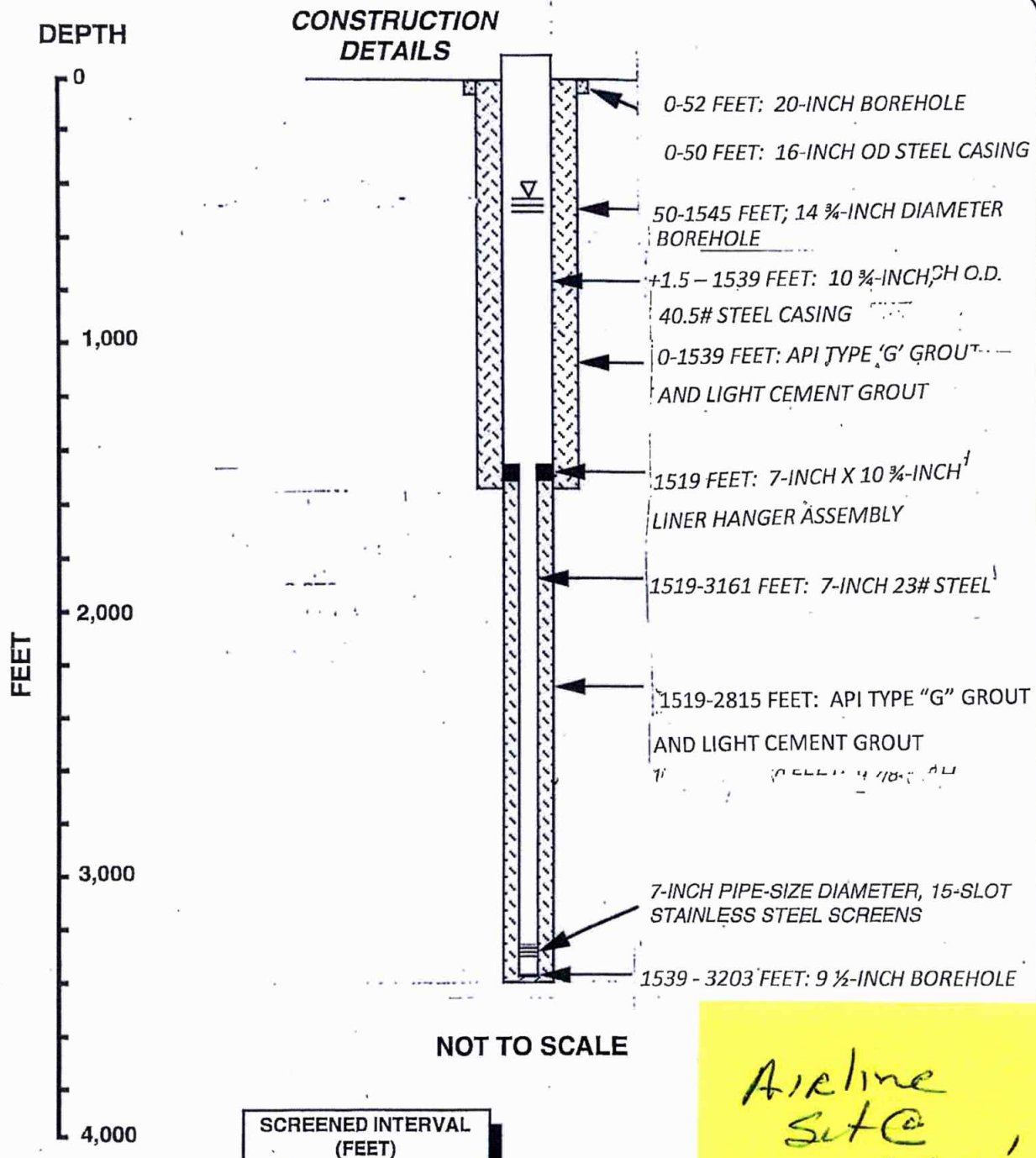
I am writing to acknowledge receipt of the "Notice of Completion of Works" form that you sent in to let us know that you are completed with the water use system authorized under Water Permit No. 2797-2.

The system is now ready for inspection. Inspections are done on a county-by-county basis as staff time permits. You have done everything you need to do and the intervening time between the completion of your project and the staff inspection has no bearing on your water permit.

Someone from our office will contact you prior to the inspection to set up a time that is convenient for you. If you have any questions, please contact me.

Sincerely,

Genny McMath
Water Rights Program
(605) 773-3352
email: genny.mcmath@state.sd.us



Airline
Set @
939'
Bottom Motor
950.50'

Report of Examination of Works and/or Application of Water to Beneficial Use For Permit No. 2797-2

I have this day, November 1, 2023, made a thorough examination of the water use system constructed by West River/Lyman-Jones Rural Water System, Inc, PO Box 407, Murdo, SD 57559 of Permit No. 2797-2, bearing the priority of April 1, 2019 authorizing the diversion of 1.0 cu. ft. per second for rural water system use purposes, in Pennington County.

Inspection contact & relationship
to permit holder, if applicable:

Mike Vetter, O&M Foreman 605-530-1141
Philip Field Office

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: Weston Engineering Inc
- 2) No. of Wells 1
- 3) Depth(s) 3,250 feet
- 4) Well log is available Y

Comments: **Well located northeast of pump house**

Casing:

- 1) Diameter 10.75 inches
- 2) Length 1,539 feet
- 3) Type steel
- 4)

Screen:

- 1) Type 15-slot stainless steel
- 2) Length NA feet
- 3) Static water level NA feet

Motor:

- 1) Make Franklin Electric Submersible
- 2) Model #2391058504
- 3) Horsepower 125 HP

Pump:

- 1) Make Franklin Electric Submersible
- 2) Model 275STS100D8A
- 3) Size 8 inches
- 4) Capacity 275 GPM
- 5) Horsepower 100 HP

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

- 1) Type PVC
- 2) Size 2 to 12 inches
- 3) Length Serves users in Haakon, Jackson, and Pennington Counties

D. Compliance with Permit Requirements:

- 1) Permit qualifications being abided by Y
- 2) Exceptions to compliance are: None

E. Condition and Location:

1. The system is in good condition with the point(s) of diversion located as follows:

Well: 211 ft S & 80 ft E (44.03730/-102.24759)

Pump House: 264 ft S & 64 ft E (44.03815/-102.24766)

All in NW ¼ NW ¼ of Section 19-T1N-R16E

2. The works are capable of diverting and conveying to the place of use 1.0 cu. ft. per second of water which is to be used for rural water system use.
3. All structures, wells and lands on map Y

F. Comments or other permit(s) associated with the project:

The address and phone number provided in the review materials are current.

FSA maps and ArcMap software was used in the preparation of this report.

Nakaila Steen

Nakaila Steen
Natural Resources Engineer II
SD DANR - Water Rights Program

Date report completed: November 7, 2023

Diversion Point Location

From the NW Corner of
Section 19 T1N-R16E

Well: 211 ft S & 80 ft E

Lat 44.03715 Long -102.24759

Pump House: 264 ft S & 64 ft E

Lat 44.03715 Long -102.24766



1N 15E
Section: 13

Township: 1N 15E
Section: 13
QQ Sect: SESE

1N 16E
Section: 18

Township: 1N 16E
Section: 18
QQ Sect: SWSW

Pennington

Reference Corner

232 ST

1N 15E
Section: 24

Township: 1N 15E
Section: 24
QQ Sect: NENE

190 AVE

Well Location

Pump House

1N 16E
Section: 19

Township: 1N 16E
Section: 19
QQ Sect: NWNW



N.A.S.
11/06/2023

0 0.1 Miles



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

NOV 20 2023

2797-2

West River/Lyman-Jones Rural Water System Inc
c/o Jake Fitzgerald
PO BOX 407
Murdo SD 57559

Dear Mr. Fitzgerald:

Enclosed is Water License No. 2797-2. This is the final water right document completing your process of obtaining a Water Right. Included with your license is a map prepared by the staff engineer who conducted the field investigation.

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

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

Sincerely,

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

enclosures

**STATE OF SOUTH DAKOTA
WATER LICENSE NO. 2797-2**

(1) West River/Lyman-Jones Rural Water System Inc., made Application No. 2797-2, April 1, 2019, for a water permit to divert 1.0 cubic feet of water per second from groundwater, one well (Inyan Kara Aquifer), Pennington County, South Dakota for rural water to serve users in Haakon, Jackson, and Pennington Counties. Permit No. 2797-2, with a priority date of April 1, 2019, was approved July 1 2019, and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before July 1, 2024, and for the application to beneficial use of water on or before July 1, 2028.

The permit holder submitted a Notice of Completion of Works and Application of Water to Beneficial Use form on May 25, 2021. The Notice stated the diversion system was completed on December 10, 2020 and the water was placed to beneficial use on May 25, 2021.

(2) It is certified that the permit holder has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 1.0 cubic feet of water per second for beneficial use. The location of the diversion point is:

- Well: 211 ft S & 80 ft E of the NW corner Section 19, T1N, R16E (NW ¼ NW ¼)
(Latitude 44.03730 & Longitude -102.24759)
- Pump House: 264 ft S & 64 ft E of the NW corner Section 19, T1N, R16E (NW ¼ NW ¼)
(Latitude 44.03715 & Longitude -102.247666)

(3) The amount of appropriation may not exceed 455 acre-feet annually. The water is to be used during the following described annual period: January 1 – December 31.

(4) The permit holder has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use.

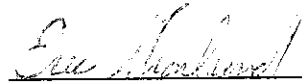
(5) Pursuant to South Dakota Water Law 46-5-30.1 West River/Lyman-Jones Rural Water System Inc., the holder and/or owner of Water Right No. 2797-2 is issued a license to appropriate water, the right to use 1.0 cubic feet of water per second from groundwater, one well (Inyan Kara Aquifer), with a priority date of April 1, 2019, from the location specified in (2) of this license for a rural water system.

This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 2797-2 and subject to the following qualifications:

1. The well approved under this Water Right will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Water Right shall control their 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 well authorized by Permit No. 2797-2 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 grouter (bottom to top) pursuant to Section 74:02:04:28. *(The well was drilled by Weston. A copy of the well completion report is on file with the Water Rights Program.)*

continued

3. The Water Right holder shall report to the Chief Engineer annually the amount of water withdrawn from the Inyan Kara Aquifer.
4. Water Right No 2797-2 authorizes a total annual diversion of 455 acre-feet of water.



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

NOV 20 2023

date

