

WATER PERMIT NO. 2800-2

Name of Applicant: Moreland Farms Inc

Address: PO Box 726, Valentine NE 69201

Phone: 402-322-9077

Amount of Water Claimed: 1.89 cfs

Total Acres: 132 acres

Source of Water Supply: groundwater (2 wells)

Water to be used for: irrigation

County: Todd

Type of Waste Disposal System:

Location: 20 miles south and 8 miles west of Mission SD

PRIORITY

Date Received: 5-29-19

Application/License Fee: \$ 1,050

Corrected Application Received:

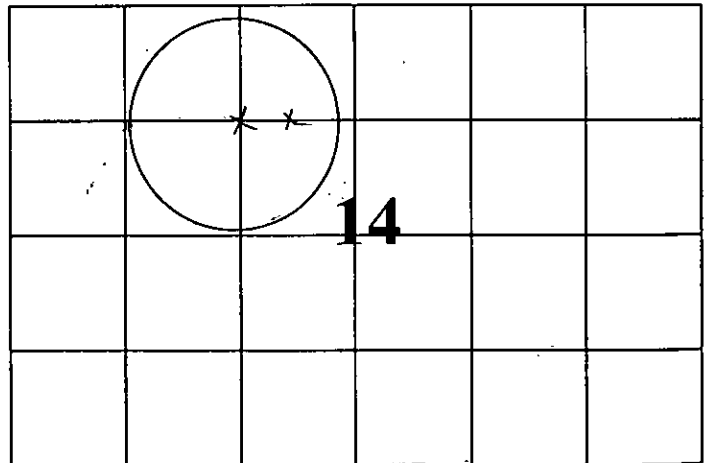
Period of Annual Use: May 1 – September 30

Remarks:

Diversion Point: approximate center of NW 1/4

Sec 14-T35N-R30W

Land to be Irrigated: NW 1/4 Sec 14-T35N-R30W



Depth of Well: 300 feet deep

Well Driller:

Remarks:

Type of Map: aerial

Prepared by:

Reviewed and the Number Assigned on: 5-30-19

By: Karen Schlaak

Notice of Hearing - date to intervene: _____

**SOUTH DAKOTA
WATER PERMIT NO. 2800-2**

Date of first receipt of application May 29, 2019.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 2800-2 to Moreland Farms Inc., Diane E Schumacher, PO Box 726, Valentine NE 69201 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. 2800-2 appropriates 1.89 cubic feet of water per second from two wells to be completed into the Arikaree Aquifer (300 feet deep) located in the NW 1/4 Section 14 to irrigate 132 acres located in the NW 1/4 Section 14; all in T35N-R30W. This site is located approximately 20 miles south and 8 miles west of Mission SD.
2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: May 1 – September 30.
3. The date from which applicant may claim right is May 29, 2019.
4. The date of approval of Permit No. 2800-2 is August 19, 2019.
5. One-fifth of the construction is to be completed on or before February 19, 2022.
6. All construction is to be completed on or before August 19, 2024.
7. Water is to be put to beneficial use on or before August 19, 2028.
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 Permit No. 2800-2 will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The wells authorized by Permit No. 2800-2 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. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

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

AUG 23 2019
date



SD EForm - 0499LD V5

JRM 2: Application for Irrigation in South Dakota
(Type or print)

Mail to: DENR - Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. <u>2800-2</u> (office use only) Hydrologic Unit <u>10150002</u>
	Basin <u>Nebraska Trib</u>
	Newspaper <u>Todd County Tribune, Mission</u> <u>Capital Journal, Pierre</u>

RECEIVED

MAY 29 2019

WATER RIGHTS
PROGRAM

PAID

MAY 30 2019

Ck# 2920

Application For Permit To Appropriate Water For Irrigation

Type of Application: ☒ New ☐ Vested Right ☐ Amendment/Correction to Permit No. _____
(Use permits Mar 2, 1955)

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

1. Name to Appear on Irrigation Permit Moreland Farms Inc.

Note: The "Name to Appear on Irrigation Permit" must be the name in which the property to be irrigated is held in.

Mailing Address PO Box 726 Valentine NE 69201
(Address) (City) (State) (Zip Code)Phone _____ Mobile (402) 322-9077 Email _____2. Amount of water claimed 1.89 *CFS or 1000 **GPM ***AF. Total Acreage 132
(*Cubic Feet per Second) (**Gallons per Minute) (***) Acre Feet - storage capacity of dam/dugout or annual use if applicable)3. Source of water supply ground water out of Great Plains Aquifer4. Location of point of diversion 2 Wells in the NW 1/4 Sec 14 T35N R30W
(example - 3 wells in SW 1/4 NE 1/4 section 22-T10N-R33W)of the 6th PM County Todd Co. SD.5. County or counties where water will be used Todd County South Dakota6. Annual period during which water is to be used May through September7. List below each forty acre division, or lot, or fraction thereof and show number of acres to be irrigated in each.
(Attach sheet if more space is needed)

Land Description	Acres	Land Description	Acres
<u>NE 1/4 of NW 1/4 Sec 14</u>	<u>33</u>		
<u>NW 1/4 of NW 1/4 Sec 14</u>	<u>33</u>		
<u>SE 1/4 of NW 1/4 Sec 14</u>	<u>33</u>		
<u>SW 1/4 of NW 1/4 Sec 14</u>	<u>33</u>		

8. Give a description of the project. (Attach sheet if more space is needed)

Drill 2 irrigation wells + install a pivot for agricultural purposesI, Diane Schumacher

Name of Person

President Moreland Farms For the applicant, certify under
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.

2015-10

Attachments: Attach Form 2A if diversion is from a well or dugout, or if storage of water is proposed. Also, attach map and any other technical information. (see instructions)

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 2 Have test holes been drilled ☒ Yes ☐ No Drilled by Atchafalaya Wells & Irrigation
(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) 300' Depth to Top of Water Bearing Material 80' Depth to Water from Surface 86'd) Distance to nearest domestic well on applicant's property none Property owned by others 1600ft

2. Wastewater Disposal System Information

a) Type of System (i.e. septic tank, drain field) drain fieldb) System Capacity (gallons) 3 Year Constructed ?c) Connected to the City of ? Sanitary System

3. Dugout Information

a) Surface Dimensions none Depth b) Depth to water (ground surface to water level)

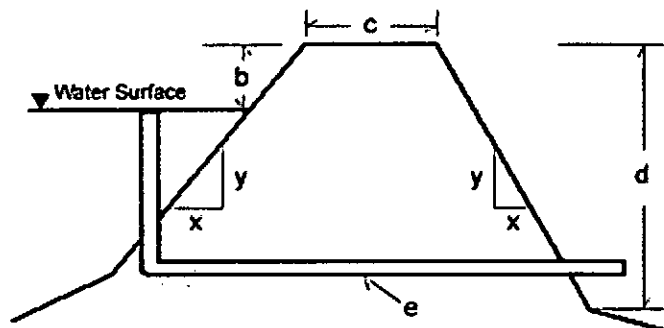
4. Water Storage Dams

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 Feetj) Drainage Area Above Dam Acres

Hitchcock Wells and Irrigation
41298 903rd RD
Sparks, Ne. 69220
weshitchcock5@gmail.com
(402) 322-3141

Owner: Moreland Farms

Test Hole drilled 5/25/19

Legal Description- NW ¼ Sec 14 T35N R30W Todd County SD

Location – center of the 1/4

0-5 Topsoil

5-30 Mag rock and Sand Layers

30-80 Pepper Sand

80-130 Sand and Soft Sandstone layers

130-280 Sand small bits of gravel

280-300 Sand and Clay Layers

Static Water 86 feet from the surface

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A A A

[Area of Interest \(AOI\)](#) | **[Soil Map](#)** | [Soil Data Explorer](#) | [Download Soils Data](#) | [Shopping Cart \(Free\)](#)[Printable Version](#) | [Add to Shopping Cart](#)

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Map Unit Legend

Todd County, South Dakota (SD121)			
Todd County, South Dakota (SD121)			
Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
AtE	Anselmo-Longpine fine sandy loams, 9 to 21 percent slopes	22.3	13.9%
HfA	Holt fine sandy loam, 0 to 3 percent slopes	0.6	0.4%
HfC	Holt-Vetal fine sandy loams, 3 to 9 percent slopes	59.4	37.1%
HmA	Hoven silt loam, 0 to 1 percent slopes	15.0	9.3%
ThA	Tuthill silt loam, 0 to 3 percent slopes	63.0	39.3%
Totals for Area of Interest		160.3	100.0%

Soil Map

Scale (not to scale)

**Warning: Soil Map may not be valid at this scale.**

You have zoomed in beyond the scale at which the soil map for this area is intended to be used. Mapping of soils is done at a particular scale. The soil surveys that comprise your AOI were mapped at 1:31,700. The design of map units and the level of detail shown in the resulting soil map are dependent on that map scale. Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

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X = Well Locations

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date May 30, 2019

RECEIVED OF Moreland Farms, Inc. PO Box 728 Valentine NE 69201

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

Fee for Application for Permit No. <u>2800-2</u> to Appropriate Water, to construct and to put water to beneficial use	850	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>2800-2</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	1050 00

No. **09153**

By Joanne Goodman
Chief Engineer zm

2800-2 & 2801-2

Water Rights Program - DENR Conversation File Documentation

NAME OF PERSON OR FILE: Application Nos. 2800-2 & 2801-2, Moreland Farms Inc

ADDRESS: PO Box 726, Valentine NE 69201 COUNTY: Todd County

DATE: May 30, 2019

TELEPHONE: 402 322-9077

RE: Signature on water permit applications

I called the number on application and spoke with Vic. I indicated that a Diane Schumacher signed the application. However, a review of Nebraska Secretary of State's website did not indicate that Diane Schumacher held a Corporate Position for Moreland Farms Inc. There is a Diane Sieff who is President of Moreland Farms Inc on the website. Vic indicated that Ms. Sieff is the maiden name of Diane Schumacher. He indicated they need to get that corrected on their filing with the Secretary of State's office.

NAME: Eric Moreland

MORELAND FARMS, INC.

Thu May 30 13:16:21 2019

SOS Account Number

0251453

Status

Active

Principal Office Address

855 N. HALEY ST.

PO BOX 726

VALENTINE, NE 69201

Registered Agent and Office Address

JANICE I. TETHEROW

855 NORTH HALEY

P.O. BOX 726

VALENTINE, NE 69201-0000

Nature of Business

FARMING

Entity Type

Domestic Corp

Date Filed

Dec 26 1973

Corporation Position	Name	Address
President	DIANE E SIEFF	2970 80TH AVE WILSON, WI 54027-0000
Secretary	KELLEY PETERSON	3940 PRESCOTT AVE LINCOLN, NE 68506
Treasurer	JANICE I TETHEROW	855 N. HALEY ST. BOX 726 VALENTINE, NE 69201
Director	DIANE E SIEFF	2970 80TH AVE WILSON, WI 54027-0000

Corporation Position	Name	Address
Director	JANICE I TETHEROW	855 N. HALEY ST. BOX 726 VALENTINE, NE 69201
Vice President	LUTHER SIEFF	2916 LILLY POND RD. WOODSTOCK, FL 60098 USA

Filed Documents

To purchase copies of filed documents check the box to the left of the document code. If no checkbox appears, contact the Secretary of State's office to request the document(s).

	Document	Date Filed	Price
☐	Articles Perpetual	Dec 26 1973	\$1.35 = 3 page(s) @ \$0.45 per page
	Non Payment of Taxes	Apr 16 1985	
☐	Certificate of Revival	Aug 19 1985	\$0.45 = 1 page(s) @ \$0.45 per page
	Non Payment of Taxes	Apr 16 1987	
	Certificate of Revival	Jul 06 1987	
	Non Payment of Taxes	Apr 16 1989	
	Certificate of Revival	Jun 29 1989	
	Non Payment of Taxes	Apr 16 1998	
☐	Certificate of Revival	May 29 1998	\$0.45 = 1 page(s) @ \$0.45 per page
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☐	Agricultural Report	Jul 20 1999	\$0.90 = 2 page(s) @ \$0.45 per page
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	Document	Date Filed	Price
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☐	Tax Return	Jan 21 2004	\$0.90 = 2 page(s) @ \$0.45 per page
☐	Tax Return	Mar 21 2006	\$0.90 = 2 page(s) @ \$0.45 per page
☐	Tax Return	Mar 27 2008	\$0.90 = 2 page(s) @ \$0.45 per page
☐	Change of Agent or Office	May 06 2008	\$0.45 = 1 page(s) @ \$0.45 per page
☐	Tax Return	Jan 21 2010	\$0.90 = 2 page(s) @ \$0.45 per page
☐	Tax Return	Jan 30 2012	\$0.90 = 2 page(s) @ \$0.45 per page
☐	Tax Return	Feb 10 2014	\$0.90 = 2 page(s) @ \$0.45 per page
☐	Tax Return	Mar 01 2016	\$1.35 = 3 page(s) @ \$0.45 per page
☐	Tax Return	Feb 14 2018	\$1.35 = 3 page(s) @ \$0.45 per page

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\$10.00

This is a paper certificate mailed to you from the Secretary of State's office within 2-3 business days.

Select All | Select None

Gronlund, Eric

From: Gronlund, Eric
Sent: Thursday, May 30, 2019 2:46 PM
To: 'Syed Huq'
Subject: water right permit applications filed in Todd County
Attachments: Moreland2Appl.pdf; Moreland1appl.pdf

Mr. Huq:

South Dakota Water Rights Program is in receipt of two water permit applications to appropriate water in Todd County. Combined, the applications seek to irrigate two quarter sections in the N 1/2 Section 14-T35N-R30W in southern Todd County. The submitted applications are attached.

The Water Rights Program will conduct our review of the applications for the purpose of the Chief Engineer making recommendations. Once recommendations are made, the applications will be public noticed with an opportunity given to petition to intervene.

If there is water resource information such as area observation/monitoring well water levels or other studies in the possession of the Rosebud Sioux Tribe that you believe will be of value to the review of the applications, please forward relevant information to us electronically or to Water Rights Program, 523 E Capitol Avenue, Pierre SD 57501.

DENR is forwarding these applications to the Rosebud Sioux Tribe as part of our commitment to keeping the Tribe informed of water right permitting in Todd County.

Eric Gronlund
Water Rights Program, DENR
605 773-3352
Eric.gronlund@state.sd.us



**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. 2800-2, Moreland Farms 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. 2800-2, Moreland Farms Inc., c/o Diane E Schumacher, PO Box 726, Valentine NE 69201.

The Chief Engineer is recommending APPROVAL of Application No. 2800-2 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 Permit No. 2800-2 will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The wells authorized by Permit No. 2800-2 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. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

See report on application for additional information.

A handwritten signature in black ink, reading "Jeanne Goodman". The signature is written in a cursive, flowing style.

Jeanne Goodman, Chief Engineer
July 25, 2019

Report to the Chief Engineer
Water Permit Application Nos. 2800-2 and 2801-2
Moreland Farms, Inc.
July 18, 2019

Application No. 2800-2 proposes to appropriate 1.89 cubic feet of water per second from two wells to be completed into the Arikaree aquifer (300 feet deep) located in the NW ¼ Section 14 to irrigate 132 acres located in the NW ¼ Section 14; all in T35N-R30W. Application No. 2801-2 proposes to appropriate 1.89 cfs from two wells to be completed into the Arikaree aquifer (300 feet deep) located in the NE ¼ Section 14 to irrigate 132 acres located in the NE ¼ Section 14; all in T35N-R30W. These sites are located approximately 20 miles south and 8 miles west of Mission, South Dakota.

Aquifer: Arikaree (ARKR)

Hydrogeological characteristics

The Arikaree Formation (sometimes called the Arikaree Group) consists of Tertiary age pinkish tan to red poorly consolidated tuffaceous sandstone, siltstone, shale, and silty clay (Long & Putnam, 2010). It underlies 1,360 square miles in Todd and Mellette counties (Long & Putnam, 2010). The Arikaree aquifer is defined as all of the saturated portions of the Arikaree Formation (Carter, 1998). The Arikaree aquifer is a local aquifer within the High Plains aquifer system, which extends from South Dakota to Texas (Gutentag, et al., 1984). In the area of these applications, water in the Arikaree aquifer generally flows from southwest to northeast (Carter, 1998).

The applicant submitted a log of a test hole for each application. The test hole for Application No. 2800-2 was drilled in the center of the NW ¼ of Section 14-T35N-R30W on May 25, 2019. The driller reported topsoil from 0-5 feet, "mag rock" and sand layers from 5 to 30 feet, "pepper sand" from 30 to 80 feet, sand and soft sandstone layers from 80 to 130 feet, sand and small amounts of gravel from 130 to 280 feet, and sand and clay layers from 280 to 300 feet below grade. The test hole for Application No. 2801-2 was drilled in the center of the NE ¼ Section 14-T35N-R30W on May 24, 2019. The driller reported topsoil from 0 to 5 feet, sand from 5 to 60 feet, "mag rock" and sand layers from 60 to 80 feet, and sand and soft sandstone layers from 80 to 300 feet below grade. The driller reported the water level at the time of drilling for both holes, but since they are open holes and the Ogallala aquifer overlies the Arikaree aquifer in this location, the depth to water likely does not reflect the static water level in either aquifer accurately. The driller did not report the color of the formations so the top of the Arikaree Formation for those test holes cannot be known. However, based on the depth of the test holes, topographic data indicating the land surface in that area is between 2,900 and 2,910 feet above mean sea level (U.S. Geological Survey, 2002), and the structural contour map of the Arikaree Formation provided by Carter (1998) indicates the top of the formation is at approximately 2,700 feet above mean sea level (f.m.s.l.). If wells are completed at the depth of these test holes, they

will withdraw water from the Arikaree aquifer. Due to the presence of clay layers, the Arikaree aquifer is likely to be under confined conditions near the test holes, although there is some uncertainty because the driller did not report the thickness of the clay layers. A map of the area is shown in Figure 1.

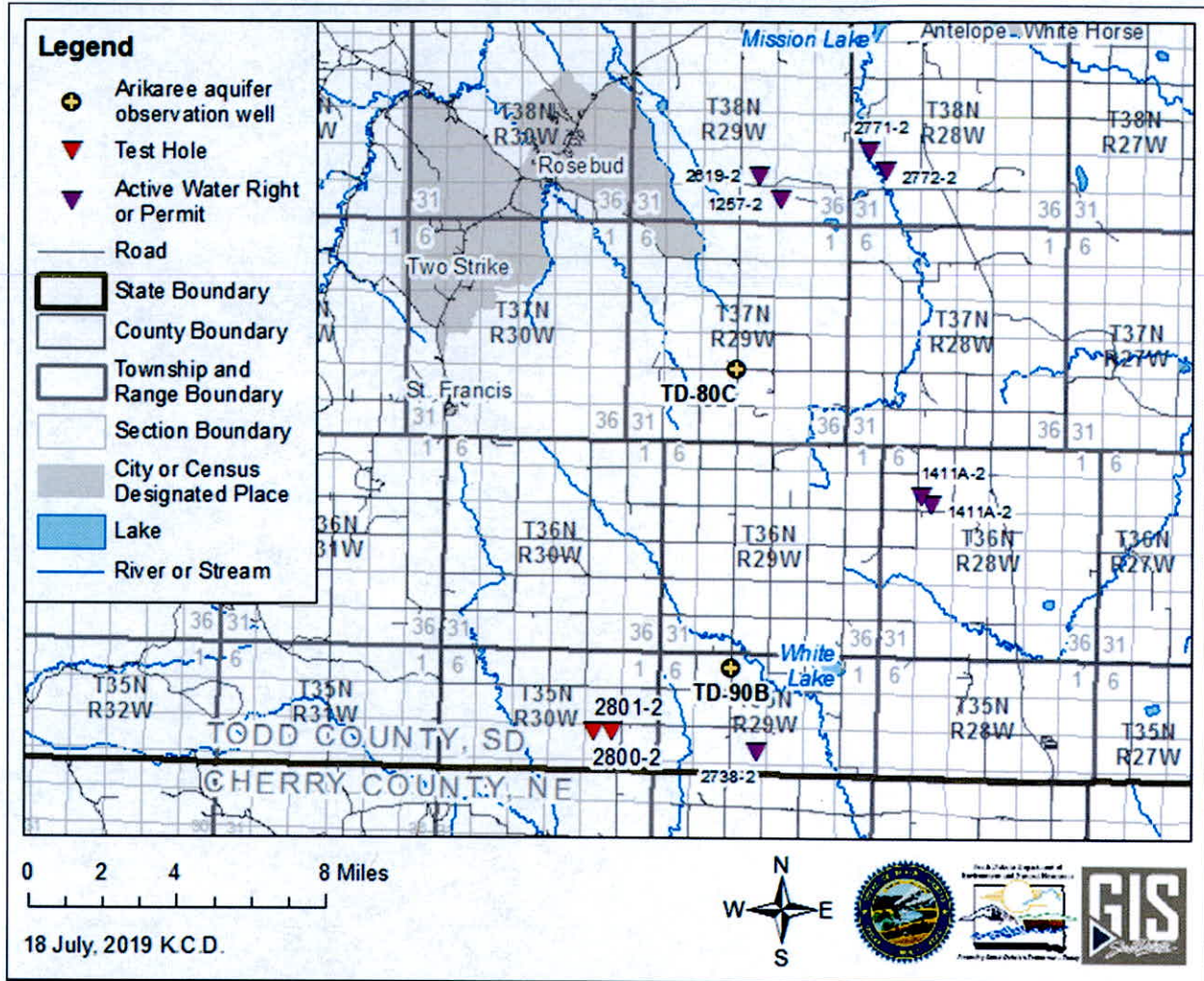


Figure 1: Map of area including locations of test holes submitted with applications, active Arikaree water rights/permits (SD Water Rights, 2019c), and DENR Observation Wells completed into the Arikaree aquifer (SD Water Rights, 2019a).

Applicable South Dakota Codified Law (SDCL)

Pursuant to SDCL 46-2A-9 a permit to appropriate water may be issued if there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 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 water and impact on existing rights only.

Pursuant to SDCL 46-6-3.1 an application to withdraw groundwater may only be approved if there is reasonable probability that recharge to the aquifer exceeds withdrawals. An exception exists for water distribution systems seeking to withdraw from formations older or stratigraphically lower than the Greenhorn Formation, but these applications are not a water distribution system and the formation defining the aquifer boundaries is newer and stratigraphically higher than the Greenhorn Formation. Therefore, there must be reasonable probability the recharge to the aquifer exceeds withdrawals to approve these applications.

Availability of Water

Hydrologic budget

Recharge

Recharge to the aquifer is by infiltration from precipitation on the outcrop of the Arikaree Formation and by streamflow losses from streams that flow over the Arikaree Formation (Long & Putnam, 2010). Long and Putnam (2010) used a model to estimate the recharge to the Arikaree aquifer in Todd and Mellette Counties and found a recharge rate of 1.45 in/yr over the area of the Arikaree Formation outcrop. Assuming the Arikaree Formation outcrop is under similar conditions in the rest of South Dakota, the recharge rate in Todd and Mellette Counties can be applied to the entire area of the outcrop in South Dakota (1,514,080 acres) to find an average annual recharge of 183,000 ac-ft/yr (Martin, et al., 2004).

Discharge

Discharge from the aquifer is by discharge to streams and springs when the potentiometric surface of the aquifer is above the potentiometric surface of the land surface and well withdrawals from domestic and appropriative users (Carter, 1998). Due to the presence of higher aquifers in the area near these applications, withdrawals by domestic users are not likely to be significant to the hydrologic budget. There are 37 active water rights/permits withdrawing water from the Arikaree aquifer in South Dakota, but only 6 in Todd County (SD Water Rights, 2019c). Of the water rights/permits in the Arikaree aquifer in South Dakota, there are 29 irrigation rights/permits, 4 municipal rights, and 4 other types of water rights/permits (SD Water Rights, 2019c). All of the irrigation water rights/permits and 3 of the municipal water rights (for the City of Martin) are required to report their withdrawals annually (SD Water Rights, 2019c). The rest can be conservatively estimated by assuming they pump at their permitted maximum instantaneous pump rate 60% of the time. Table 1 shows the pump rates and estimated use of water rights/permits that are not required to report their withdrawals. The total estimated withdrawal due to water rights/permits that are not for irrigation and not required to report their annual use is 165 ac-ft/yr.

Report on Water Permit Application Nos. 2800-2 and 2801-2

Table 1: Arikaree water rights/permits not required to report their withdrawals (SD Water Rights, 2019c)

Permit No:	Status:	Name/Business:	Type of use:	Priority Date:	Pump Rate (cfs):	Est. Use (ac-ft/yr)
1612-2	License	Town of Batesland	Municipal	10/17/1977	0.150	65
1618-2	Permit	Shannon County School District	Institutional	11/02/1977	0.070	30
2478-2	License	Martin J Vanderploeg	Fish & Wildlife Propagation	02/15/2002	0.100	43
2597-2	License	US Fish and Wildlife Service	Domestic	07/12/2006	0.038	17
2602-2	License	West Plains Grain	Commercial	09/11/2006	0.022	10
Total					0.380	165

The City of Martin has been required to report all its withdrawals from the Arikaree aquifer since Water Permit No. 2517-2 was approved in 2004 (SD Water Rights, 2019c). Their average withdrawal over the period of record is 242 ac-ft/yr (SD Water Rights, 2018a). Irrigation water right/permit holders have reported their withdrawals from the Arikaree aquifer since 1982. A graph of irrigation reported from the Arikaree aquifer over the period of record is shown in Figure 2. The average withdrawal for irrigation over the period of record is 2,010 ac-ft/yr (SD Water Rights, 2018b). However, the newest water rights/permits may not be represented by the average over the period of record, since they might not be fully developed. A total of 4,171.6 acres are permitted or licensed in the Arikaree aquifer (SD Water Rights, 2019c). A conservative estimate of the annual withdrawal due to irrigation can be made by assuming 12 inches of water is applied to all the acreage irrigated by the Arikaree aquifer, equating to an estimated annual withdrawal of 4,171.6 ac-ft/yr. The Rosebud Sioux Tribe manages withdrawals from the High Plains aquifer system for water users on tribal trust land within the boundaries of the Rosebud Indian Reservation. However, the withdrawal from the Arikaree aquifer by Rosebud Sioux Tribe members on tribal trust land is not known.

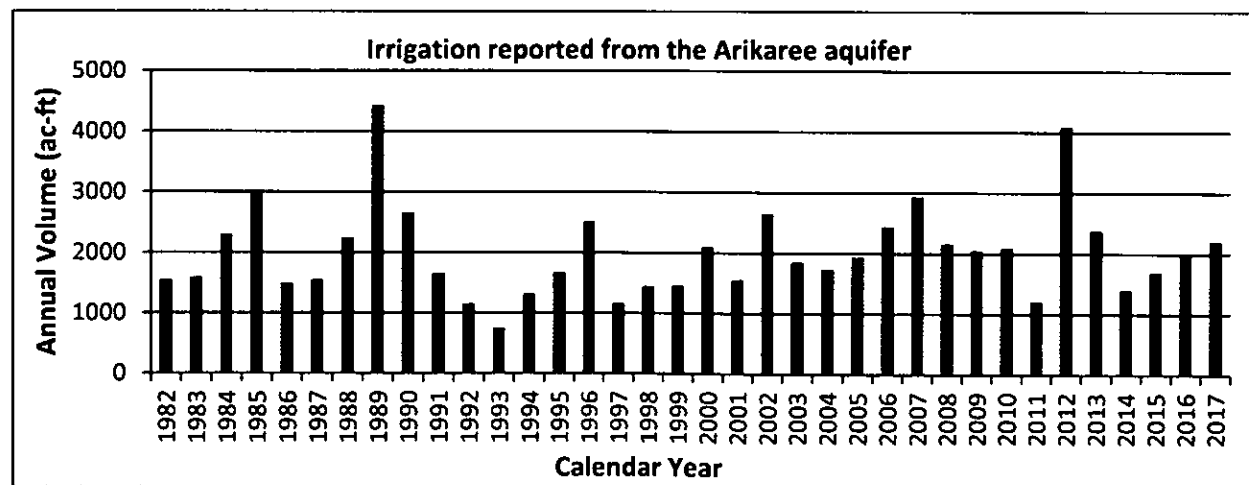


Figure 2: Irrigation reported from the Arikaree aquifer (SD Water Rights, 2018b)

Balance of hydrologic budget

The average annual recharge to the aquifer is estimated to be approximately 183,000 ac-ft/yr.

The average annual withdrawal from the aquifer by users managed by the South Dakota DENR

Water Rights Program is conservatively estimated to be 4,579 ac-ft/yr. An unknown amount of water may be withdrawn from the Arikaree aquifer by Rosebud Sioux tribal members on tribal trust land, however, the estimate of withdrawal by water rights/permits managed by the State of South Dakota is less than 3% of the average annual recharge. Water Permit Application Nos. 2800-2 and 2801-2 would withdraw an estimated 264 ac-ft/yr assuming they irrigate 12 inches per year over the 264 acres total requested by these applications. Based on a hydrologic budget, there is reasonable probability unappropriated water is available for these applications and withdrawals will not exceed recharge to the Arikaree aquifer if these applications are approved.

Observation wells

Administrative Rule of South Dakota (ARSD) requires that observation well measurements in addition to other data must be used to determine that the quantity of water withdrawn does not exceed average annual recharge to the aquifer. The South Dakota DENR Water Rights Program maintains 37 observation wells completed into the Arikaree aquifer (SD Water Rights, 2019a). The nearest observation well to the applicant is Observation Well TD-90B (Figure 3), located approximately 4 miles northeast of the test holes for these applications (SD Water Rights, 2019a). This well had been previously categorized as an Ogallala aquifer monitoring well, but based on an in-depth study of the lithology was re-categorized as an Arikaree aquifer monitoring well. However, the lithologic data also indicates that there is no distinct confining layer between the Ogallala and the Arikaree aquifers there.

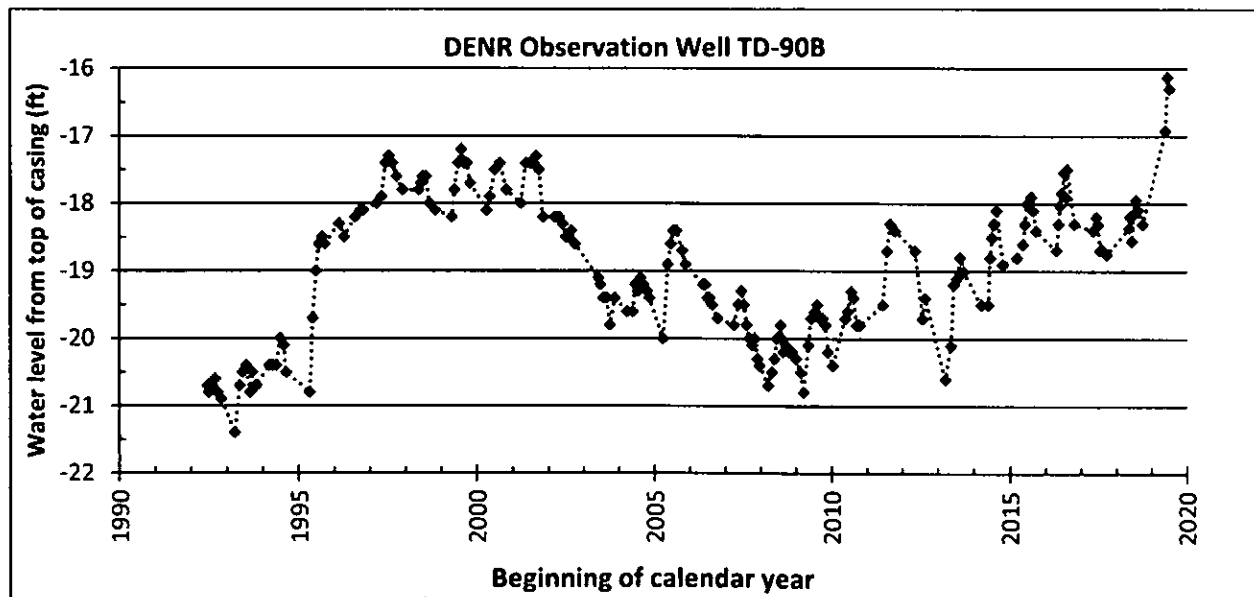


Figure 3: Water levels over the period of record for DENR Observation Well TD-90B (SD Water Rights, 2019a)

Observation Well TD-90B is representative of the aquifer, although other observation well water levels may show more or less exaggerated changes as the aquifer responds to seasonal pumping and climate. In general, DENR observation wells completed into the Arikaree aquifer respond to

climactic conditions, rising during wet years and declining during dry years. Observation wells near appropriative users also show declines related to seasonal irrigation but recover each spring. Several observation well water levels show changes during calendar year 2017 that do not reflect typical aquifer behavior due to appropriative use nor do they reflect climate patterns for that time. Similar uncharacteristic changes can be seen for Ogallala aquifer observation well levels that year. Observation well data in 2017 is still under review, pending inspection of the equipment and subsequent data corrections. Based on observation well data that is known to be accurate, there is reasonable probability unappropriated water is available for these applications.

Existing Rights

The nearest water right or permit in the Arikaree aquifer managed by the SD DENR Water Rights program is Water Permit No. 2738-2, located approximately 4.0 miles east of the proposed wells for Application No. 2801-2 and approximately 4.5 miles east of the proposed wells for Application No. 2800-2. All water rights/permits in Todd County are shown in Figure 1 and Table 2. The nearest domestic/stock well on file with the DENR that could be completed into the Arikaree aquifer is located in the SW ¼ Section 11-T35N-R30W and was completed on June 14, 1978 (SD Water Rights, 2019b). The centroid of that quarter-section is approximately 0.5 miles north of the test hole for Application No. 2800-2 and 0.7 miles northwest of the test hole for Application No. 2801-2, however, since the well location is given to the nearest quarter-section and the proposed wells have not been drilled, the well could be even closer to the applicant's proposed wells. The well in SW ¼ Section 11-T35N-R30W is 260 ft deep and the driller reported various kinds of sand or mixtures with sand from 0 to 220 ft below grade, clay and gravel at 240 ft below grade and just clay at 260 ft below grade, so that indicates a confining layer exists at that location at that depth. The screen for that well is placed in the bottom 40 feet of the well, so it is at or above that confining layer. The 2013/2014 Land Owners Directory (County-Wide Directory, LLC, 2013/2014) and 2018 FSA imagery (USDA/FSA, 2018) were compared to find potential water users that could withdraw significant amounts from the aquifer. The nearest irrigated crop circle on tribal land is the SW ¼ Section 7-T36N-R29W, located approximately 6.6 miles north of proposed wells for these applications (USDA/FSA, 2018). It is unknown if the well for that irrigation system is completed into the Arikaree aquifer.

Table 2: Water rights/permits in Todd County (SD Water Rights, 2019c)

Permit No:	Status:	Name/Business:	Type of use:	Priority Date:	Pump Rate (cfs):	Acres permitted:
1257-2	LICENSE	Rosebud Sioux Tribe	IRRIGATION	04/07/1975	1.90	134.60
1411A-2	LICENSE	Alvin Pahlke	IRRIGATION	07/02/1976	1.50	131.00
2619-2	LICENSE	Tom O Milligan	IRRIGATION	07/14/2007	1.67	134.00
2738-2	PERMIT	Gary Garvin	IRRIGATION	02/11/2015	1.78	140.00
2771-2	PERMIT	Milligan Mace Boies Flannery LLC	IRRIGATION	07/13/2017	1.25	80.00
2772-2	PERMIT	Milligan Mace Boies Flannery LLC	IRRIGATION	07/13/2017	0.62	0.00

Depending on aquifer conditions at the wells for these applications, some drawdown may be noticeable at the domestic well mentioned above. If there is no confining layer between the

Ogallala and Arikaree Formations, the aquifer will be under unconfined conditions and drawdown due to pumping from the applicant's wells is not likely to be noticeable. If there is a confining layer between the two formations, then noticeable drawdown may extend for some distance. Exact drawdown behavior cannot be known without performing an aquifer pumping test. The Water Management Board has recognized that in order to put water to maximum beneficial use, some drawdown may occur. In order to protect domestic well users, ARSD 74:02:04:20(7) has defined an adversely impacted adequate well 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."

If the applicant develops these applications, nearby owners may be required to lower their pumps. However, this is not an adverse impact as defined by ARSD 74:02:04:20(7). There are no complaints on file with the DENR Water Rights Program regarding well interference in Todd County (SD Water Rights, 2019d). Given the distance from the applicants proposed wells to the nearest well and other factors listed above, there is reasonable probability these applications can be developed without unlawful impacts to domestic wells and prior water rights/permits.

Conclusions

1. Application No. 2800-2 proposes to appropriate 1.89 cfs from two wells completed into the Arikaree aquifer in the NW ¼ Section 14 to irrigate 132 acres located in the NW ¼ Section 14; all in T35N-R30W.
2. Application No. 2801-2 proposes to appropriate 1.89 cfs from two wells completed into the Arikaree aquifer located in the NE ¼ Section 14 to irrigate 132 acres located in the NE ¼ Section 14; all in T35N-R30W.
3. Based on a hydrologic budget and observation well analysis, there is reasonable probability unappropriated water is available for these applications.
4. There is reasonable probability these applications can be developed without unlawfully impairing existing domestic wells or senior water rights/permits.



Kimberly C. Drennon
Natural Resources Engineer

References

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- Gutentag, E. D. et al., 1984. *Geohydrology of the High Plains Aquifer in Parts of Colorado, Kansas, Nebraska, New Mexico, Oklahoma, South Dakota, Texas, and Wyoming; Professional Paper 1400-B*, Alexandria, Virginia: U.S. Geological Survey.
- Long, A. J. & Putnam, L. D., 2010. *Simulated Groundwater Flow in the Ogallala and Arikaree Aquifers, Roesbud Indian Reservation Area, South Dakota -- Revisions with Data Through Water Year 2008 and Simulations of Potential Future Scenarios, Scientific Investigations Report 2010-5105*, Reston, Virginia: U.S. Geological Survey.
- Martin, J. E. et al., 2004. *Geologic Map of South Dakota; General Map 10, Scale 1:500,000*, Vermillion, South Dakota: South Dakota Geological Survey.
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- SD Water Rights, 2019b. *Well Completion Reports Database*, Joe Foss Bldg., Pierre, South Dakota: SD DENR Water Rights Program.
- SD Water Rights, 2019c. *Water Right/Permit File Database*, Joe Foss Bldg., Pierre, South Dakota: SD DENR Water Rights Program.
- SD Water Rights, 2019d. *County Files*, Joe Foss Bldg. Pierre, South Dakota: SD DENR Water Rights Program.
- U.S. Geological Survey, 2002. *National Elevation Dataset*. Web site: U.S. Geological Survey.
- USDA/FSA, 2018. *USDA-FSA-APFO NAIP MrSID Mosaic for Todd County, South Dakota*, Salt Lake City, Utah: USDA/FSA - Aerial Photography Field Office.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

denr.sd.gov

July 26, 2019

Syed Huq, Director
Rosebud Sioux Tribe Water Resources
PO Box 910
Rosebud SD 57570

Dear Mr. Huq:

The South Dakota Water Rights Program made you aware by email on May 30th of two water permit applications to appropriate water in Todd County. The review of the applications is complete and public notice will take place on August 7th in the Todd County Tribune and Capital Journal.

Please find enclosed the staff report, recommendations and publication notice for two water permit applications filed by Moreland Farms in Todd County. Public notice is to be published in the Todd County Tribune and Pierre Capital Journal.

This information is being sent to you as part of the DENR's commitment to keep the Rosebud Sioux Tribe informed of water permitting issues in Todd County.

Sincerely,

Eric Gronlund
Water Rights Program
(605) 773-3352

enclosures

Affidavit of Publication

State of South Dakota

County of Todd

RECEIVED

AUG 22 2019

WATER RIGHTS
PROGRAM

Taylor Risse, being, first duly sworn, on oath, says: That he/she is an employee of Scherer Publishing, LLC, Inc., and that the Todd County Tribune is, and during all the times hereinafter mentioned was, a weekly legal newspaper as defined in the SDCL 17-2-2.1 through the 17-2-2.4 inclusive; that said newspaper has been published within the said county of Todd and State of South Dakota, for at least one year next prior to the first publication of the attached public notice, and that the 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 successive week(s) to wit:

August 7, 2019

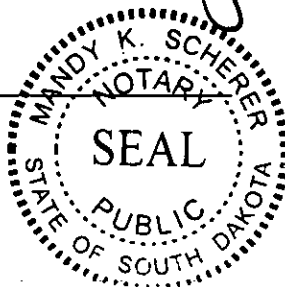
That the full amount of the fee charged for the publication of the attached public notice, **\$37.95** insures to the sole benefit of the publisher or publishers; that no agreement or understanding for the division thereof has been made with any other person, and that no part thereof has been agreed to be paid to any person whomsoever; that the fees charged for the publication thereof are:

Signed: _____

Subscribed and sworn to before me this 7 day of August, 2019.

Notary Public

My Commission Expires
December 9, 2021



Notice of Intent to Mine

**Notice Of Application
NOS. 2800-2 and 2801-2
to Appropriate Water**

Steven M. Pinner, Secretary,
Department of Environment and Natural Resources.
Published once at the total approximate cost of \$37.95
Published: August 7, 2019

Bid Section
BID NO. 00-0007
BIA Route 7 - Roadbed to US Hwy 83

Improvement Project
Roadbed Sloane Tribe
Roadbed, South Dakota

NOTICE IS HEREBY GIVEN that the **Roadbed Sloane Tribe** of Roadbed, South Dakota, will receive bids until **September 4, 2019** at the **hours of 10:00 a.m. to 1:00 p.m. (CT)** at the **Roadbed Sloane Tribe Treasurer's office**. Remitters will deliver either by certified mail or hand delivered to **L. Wayne Boyd, Treasurer, Roadbed Sloane Tribal Office, 11 Legion Avenue, Roadbed, SD 58770**. The bid documents shall be sealed and unopened. **"Bid No. 19-087 BIA Route 7 - Roadbed to US Hwy 83"** shall be available for review and downloading of materials, labor, equipment and skill required for the purpose of **Grading, Culverts, Geotextile, Aggregate Base Concrete, Curb and Gutter, Asphalt Concrete, Portland Cement Concrete Paving, Geotextile Fabric, Barbed Wire, Fencing, Perimeter Marking, Signs and Other Miscellaneous Work** as is more fully described and set forth in the Plans and Project Manual, which are now on file in the office of the **MAP-21 Program, Roadbed Sloane Tribe, (Mission, SD) 58770**. The bid opening will be held on **September 4, 2019** at the **hours of 3:00 p.m. (CT)** at the **Roadbed Sloane Tribe TCERO Office, 306 Buffalo Park Lane, Roadbed, SD**.

The Project is generally considered of, but is not necessarily limited to, the following major items:

Reconstruction of 16 miles of existing paved and gravel roads. Work includes salvaging existing asphalt pavement and base course, grading, culvert removal and installation, placement of geotextile fabric, barbed wire, perimeter, sidewalk, asphalt concrete pavement, Portland cement concrete paving, cast-in-place retaining wall, concrete shared use pathway, street and pathway lighting, pavement marking and signage.

Contract documents and specifications for the project and details may be examined or obtained from **KLIJ, 330 Knoxville Drive, Rapid City, SD 58701**. Copies of the plans and specifications and other bidding contract documents may be obtained by payment of **\$100.00 (\$150.00 for those requiring a CDL)** from **KLIJ, 330 Knoxville Drive, Rapid City, SD 58701** for review and obtained. Payment will be returned to Contractors who bid on the project upon returning plans and specifications. An optional, complete set of digital project bidding documents are available at www.klij.com "Projects for Bid" or www.klij.com "Digital Project Bidding" digital bid documents for **Forty-eight dollars (\$48.00)** by inputting **Project #64688539** on the website's Project Search page. Please contact Quest@CDN.com at [932-293-1632](tel:932-293-1632) or info@questcdn.com for more information on the project, questions, downloading and working with this digital project information.

Dated this 22nd day of August 2019.

/s/ Lynda Donville, Director
MAP-21 Program
Rosebud Sioux Tribe

Published four times at the total approximate cost of \$392.45
Published: August 7, 14, 21, 28, 2019

Advertising Deadline

 Friday
at
4 P.M.

856-4469
tribnews@gwtc.net

Todd County Tribune

 Sioux Nation	Sicungu Wlonti Awayanankapi SWA Corporation P.O. Box 69 Rosebud, South Dakota 57570 Phone 605-747-2203 1-888-379-3411 Fax: 605-747-2966 (Personnel)	 Sioux Nation
<u>SWA VACANCY LIST AS OF 08/02/2019</u>		
<u>NOTE</u>		
<i>"From time to time during the Construction Season, SWA may be hiring construction workers. Interested parties may, at any time, pick up a construction worker application at SWA and submit it to SWA to be considered".</i>		
SELECTION FOR CONSTRUCTION SEASON POSITIONS WILL BE MADE FROM APPLICATIONS ON FILE WITH THE SWA PERSONNEL OFFICE.		
<i>(Selection for Construction positions may be made as a Permanent Temporary or Contract basis and will be made throughout Construction Season.)</i>		
POSITION TITLE	CLOSING DATE	
Carpenter/Helicopter Operator	APPLICATIONS ACCEPTED THROUGHOUT CONSTRUCTION SEASON	
Construction Laborer	APPLICATIONS ACCEPTED THROUGHOUT CONSTRUCTION SEASON	
Maintenance Vehicle and Specialties	APPLICATIONS ACCEPTED THROUGHOUT CONSTRUCTION SEASON	
Maintenance Supervisor/Heavy Windor -East Reservation Area-	APPLICATIONS ACCEPTED THROUGHOUT CONSTRUCTION SEASON	
Laborers	APPLICATIONS ACCEPTED THROUGHOUT CONSTRUCTION SEASON	
Painters	APPLICATIONS ACCEPTED THROUGHOUT CONSTRUCTION SEASON	
Equipment Operators (WHARFHS)	APPLICATIONS ACCEPTED THROUGHOUT CONSTRUCTION SEASON	
CLOSING DATE	CLOSING DATE	
Carpenter/Laborer Building (Construction)	OPEN UNTIL FILLED	
Warehouse Manager	August 15, 2019	

RECEIVED

AUG 22 2019

Form 8

WATER RIGHTS
PROGRAM

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)

County of Hughes) SS

I, Marilyn Baker

certify that the attached printed Notice was
taken

from the Capital Journal

printed and published in Pierre

County of Hughes and

state of South Dakota. The notice was
published

in the newspaper on the following date:

8/7/19

Cost of Printing \$ 38.08

Marilyn Baker
(Signature)

Business Manager
(Title)

8-19-19
(Date Signed)

Legal Notice
SNAXLP 17220
11/11/19

NOTICE OF APPLICATION
NOS. 2800-2 and 2801-2
to Appropriate Water
Notice is given that More-
land Farms Inc., c/o Diane
E. Schumacher, PO Box
725, Valentine NE 69201
has filed the following appli-
cations for a water permit:
Application No. 2800-2
proposes to appropriate
1.89 cubic feet of water per
second (cfs) from two wells to
be completed into the
Arikaree Aquifer (300 feet
deep) located in the NW
1/4 Section 14 to irrigate
132 acres located in the
NW 1/4 Section 14; all in
T35N-R30W.
Application No. 2801-2
proposes to appropriate
1.89 cfs from two wells to
be completed into the
Arikaree Aquifer (300 feet
deep) located in the NE 1/4
Section 14 to irrigate 132
acres located in the NE 1/4
Section 14; all in T35N-
R30W. These sites are lo-
cated approximately 20
miles south and 8 miles
west of Mission SD.
Pursuant to SDCL 48-2A-
2, the Chief Engineer rec-
ommends APPROVAL of
Application Nos. 2800-2
and 2801-2 with qualifica-
tions because 1) unappro-
priated 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 in-
terest. The Chief Engi-
neer's recommendations
with qualifications, the ap-
plications, and staff report
are available at [http://den-
r.sd.gov/public](http://den-
r.sd.gov/public) or contact
Eric Gronlund for this infor-
mation, or other informa-
tion, at the Water Rights
Program address provided
below.
Any person interested in
opposing or supporting
these applications or rec-
ommendations must file a
written petition with BOTH
the applicant and Chief En-
gineer. The applicant must
file a petition if contesting
the Chief Engineer's recom-
mendations. The Chief En-
gineer'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 ei-
ther an interested person or
the applicant must be filed
by August 19, 2019.
The petition may be infor-
mal, but must include a
statement describing the
petitioner's interest in the
applications, the petitioner's
reasons for opposing or
supporting the applications,
and the signature and mail-
ing address of the petitioner
or the petitioner's legal
counsel, if legal counsel is
obtained.
If the applicant does not
contest the recommenda-
tions of the Chief Engineer
and no petition to oppose
the applications is received,
the Chief Engineer shall act
on the applications pur-
suant to the recommenda-
tion with no hearing held
before the Water Manage-
ment Board. If a petition
opposing the applications or
contest the recommenda-
tions is filed, then a hear-
ing will be scheduled and
the Water Management
Board will consider these
applications. Notice of the
hearing will be given to the
applicant and any person
filing a petition.
Steven M. Primer,
Secretary,
Department of Environmental
and Natural Resources
Published once at the total
approximate cost of \$38.08.

Schlaak, Karen

From: Schlaak, Karen
Sent: Friday, July 26, 2019 10:12 AM
To: legals@capjournal.com
Subject: 2800-2 and 2801-2, Moreland Farms Inc
Attachments: 2800-2&2801-2public.short.docx; FORM8.FRM.doc

Attached is a notice to be published on August 7, 2019.

Moreland Farms Inc. c/o Diane E Schumacher, PO Box 726, Valentine NE 69201 (402 322-9077) 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: Friday, July 26, 2019 10:11 AM
To: tribnews@gwtc.net
Subject: 2800-2 and 2801-2, Moreland Farms Inc
Attachments: 2800-2&2801-2public.short.docx; FORM8.FRM.doc

Attached is a notice to be published on August 7, 2019 in the Todd County Tribune.

Moreland Farms Inc. c/o Diane E Schumacher, PO Box 726, Valentine NE 69201 (402 322-9077) 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 NOS. 2800-2 and 2801-2 to Appropriate Water

Notice is given that Moreland Farms Inc., c/o Diane E Schumacher, PO Box 726, Valentine NE 69201 has filed the following applications for a water permit.

Application No. 2800-2 proposes to appropriate 1.89 cubic feet of water per second (cfs) from two wells to be completed into the Arikaree Aquifer (300 feet deep) located in the NW 1/4 Section 14 to irrigate 132 acres located in the NW 1/4 Section 14; all in T35N-R30W.

Application No. 2801-2 proposes to appropriate 1.89 cfs from two wells to be completed into the Arikaree Aquifer (300 feet deep) located in the NE 1/4 Section 14 to irrigate 132 acres located in the NE 1/4 Section 14; all in T35N-R30W. These sites are located approximately 20 miles south and 8 miles west of Mission SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application Nos. 2800-2 and 2801-2 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 recommendations with qualifications, the applications, 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 these applications or recommendations must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendations. 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 August 19, 2019.

The petition may be informal, but must include a statement describing the petitioner's interest in the applications, the petitioner's reasons for opposing or supporting the applications, 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 recommendations of the Chief Engineer and no petition to oppose the applications is received, the Chief Engineer shall act on the applications pursuant to the recommendation with no hearing held before the Water Management Board. If a petition opposing the applications or contesting the recommendations is filed, then a hearing will be scheduled and the Water Management Board will consider these applications. Notice of the hearing will be given to the applicant and any person filing a petition.

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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

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

July 26, 2019

Moreland Farms Inc
c/o Diane E Schumacher
PO Box 726
Valentine NE 69201

Dear Ms. Schumacher:

Water Permit Application Nos. 2800-2 and 2801-2 for irrigation use have been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice has been sent to the Todd County Tribune printed at Mission SD (Ph # 605 856-4469) and the Capitol Journal printed at Pierre SD (Ph # 605 224-7301). You will need to contact the newspapers and authorize publication of this notice. For your information, a copy of the notice, the recommendations of the Chief Engineer and report on the applications 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
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.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

AUG 23 2019

Moreland Farms Inc
Diane E Schumacher
PO Box 726
Valentine NE 69201

Dear Ms. Schumacher:

Enclosed are Water Permit Nos. 2800-2 and 2801-2 authorizing construction of the water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permits.

Form 10's, *Notice of Completion of Works and Application of Water to Beneficial Use*, are enclosed. Please return the completed form after you have finished the systems and have put the water to beneficial use. An investigation can then be scheduled so the water licenses 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



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

January 20, 2023

NOTICE

TO: MORELAND FARMS INC, DIANE E SCHUMACHER, PO BOX 726, VALENTINE, NE 69201 0726

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

SUBJECT: Reporting Requirement for 2022 Irrigation Questionnaire(s)

Our records indicate your 2022 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 2800-2 & 2801-2. The request for the Questionnaire was dated October 21, 2022. The Water Management Board has directed owners of water permits who have not submitted the 2022 Irrigation Questionnaire(s) 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(s) 2800-2 & 2801-2 qualification:

"This permit is approved subject to the Irrigation Water Use Questionnaire being submitted each year."

The hearing will be held at **Wednesday, March 8, 2023 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(s) 2800-2 & 2801-2 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 questionnaire(s) is (are) received in this office before the **March 8, 2023** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://danr.sd.gov/iq> using this password: KXHSDK**

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



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

February 14, 2023

2800-2

2801-2

Richard Tetherow
105 W 2nd
Valentine NE 69201

Dear Sir:

I am writing to acknowledge receipt of the 2022 irrigation questionnaires along with a notation that the ownership of land described on the water permits has changed.

Enclosed are partially completed "Notice of Transfer of Ownership" forms for use in filing ownership changes. Please review and complete as needed. Upon completion, please sign and return the forms to our office with a required filing fee of \$50 each (total of \$100). The check or money order for the fee can be made payable to the Water Rights Program.

If I can answer any questions for you, please let me know.

Sincerely,

Genny McMath
Water Rights Program
605 773-3352
Genny.mcmath@state.sd.us

enclosures



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

October 29, 2024

2800-2

Moreland Farms Inc.
c/o Diane E Schumacher
PO Box 726
Valentine NE 69201

Dear Ms. Schumacher:

I write to you today in response to the 2024 Irrigation Questionnaire information submitted online for the Moreland Farms Inc. Permit No. 2800-2.

Permit No. 2800-2 (copy enclosed) authorized diversion of 1.89 cubic feet of water per second (850 gpm) from two wells completed into the Arikaree Aquifer for irrigation of 132 acres located in the NW ¼ Section 14, T35N-R30W.

Permit No. 2800-2 was approved on August 19, 2019, with construction to be completed by August 19, 2024.

On this year's report, all previous reports, the selection of "System Not Constructed" was made. Unfortunately, with the date for construction completion having passed, this permit should be cancelled due to non-construction.

Please contact me to discuss cancellation of this permit.

Sincerely,

Amanda Dewell
Permitting Administrator
Water Rights Program
Amanda.Dewell@state.sd.us
(605) 773-3352

enclosure



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

May 23, 2025

No. 2800-2

Moreland Farms Inc
c/o Diane Schumacher
PO Box 726
Valentine, NE 69201

Dear. Ms. Schumacher:

I'm writing to you today in reference to Water Permit No. 2800-2.

On October 29, 2024, Water Rights Program permitting administrator Amanda Dewell, sent you a letter informing you that the Water Rights Program will be pursuing cancellation of Water Permit No. 2800-2, due to non-construction. I have enclosed a copy of this letter.

We have not received correspondence from you in regard to the cancellation. Please contact the Water Rights Program to discuss cancellation of Water Permit No. 2800-2.

Sincerely,

Miranda Smith
Water Rights Program
605 773-3352
Miranda.Smith@state.sd.us

enclosure



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

January 8th, 2026

2800-2

Moreland Farms Inc
c/o Diane E Schumacher
PO Box 726
Valentine, NE 69201

Dear Ms. Schumacher,

I write to you today in response to the 2025 Irrigation Questionnaire information submitted for Water Permit No. 2800-2.

Permit No. 2800-2 authorized diversion of 1.89 cubic feet of water per second (850 gpm) authorizing irrigation of 132 acres located in the NW1/4 Section 14-T35N-R30W, Todd County, South Dakota

Permit No. 2800-2 was approved on August 19, 2019, with construction to be completed by August 19, 2024.

On this year's report, all previous reports, the selection of "System Not Constructed" was made. Unfortunately, with the dates for construction completion having passed, this permit should be considered for cancellation due to non-construction.

Please contact me to discuss cancellation of this permit.

Sincerely,

Shannon Konst

Shannon Konst
Water Rights Program
Shannon.konst@state.sd.us
(605) 773-3352

enclosure

File No. 2800-2

WATER RIGHTS PROGRAM -- FILE DOCUMENTATION

NAME & ADDRESS: Janice Tetherow, 105 W 2nd, Valentine, SD 69201

DATE: 02/10/2026

TELEPHONE:

RE: Cancellation of PE No. 2800-2

COMMENTS:

After receiving the 2025 Irrigation Questionnaire that reported non-construction, a letter was sent to Janice regarding this because final construction was to be completed on or before August 19, 2024. I spoke with Janice (new owner of this property), and she stated that this system was never constructed with no plans to be constructed at this time. She would like to cancel this permit.

Shannon Konst

Shannon Konst
Water Rights Program



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

September 4, 2026

NOTICE OF CANCELLATION

TO: Janice Tetherow, 105 W 2nd, Valentine, NE 69201

FROM: Amanda Dewell, Permitting Administrator
SD DANR - Water Rights Program

SUBJECT: Cancellation of Water Permit No. 2800-2

Water Permit No. 2800-2, held by Mooreland Farms Inc., authorized the diversion of 1.89 cubic feet of water per second from up to two wells completed into the Arikaree Aquifer for the irrigation of 132 acres located in the NW ¼ Section 14-T35N-R30W, Todd County, with all construction to be completed by August 19, 2024. When contacted by Water Rights Program staff, following receipt of the 2025 Irrigation Questionnaire, you reported that you had taken ownership of the property and confirmed that the authorized system had never been developed. The acting Chief Engineer of the Water Rights Program is recommending cancellation of Water Permit No. 2800-2 due to non-construction.

The Water Management Board will consider cancellation of Water Permit No. 2800-2 at **9:30 am, Wednesday, October 7, 2026 (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD *(the agenda time is an estimate, and the actual time of hearing may be later).*

The recommendation of the acting Chief Engineer is not final or binding upon the Board. The Board is authorized to 1) cancel, 2) cancel portions of, 3) delay action on, or 4) take no action on Water Permit No. 2800-2 based upon facts presented at the public hearing. Our records show you to be the owner of property covered by this water permit. If you wish to oppose the cancellation and if you intend to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, you must file a written petition with the acting Chief Engineer by September 14, 2026. The petition may be informal, but it must include a statement describing the reasons for your opposition to the cancellation, and your signature and mailing address or your legal counsel if legal counsel is obtained.

The hearing will be conducted pursuant to the provisions of SDCL 46-1-1 thru 46-1-10, 46-1-14 thru 46-1-15; 46-2-3.1, 46-2-9, 46-2-11, 46-2-17; 46-5-36, 46-5-37, 46-5-37.1; 46-2A-1 thru 46-2A-8; and Board Rules ARSD 74:02:01:36 thru 74:02:01:41. These are contested cases pursuant to procedures contained in SDCL 1-26.

This hearing is an adversarial proceeding. Any party 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 State Supreme Court as provided by law.

The time of the hearing will be automatically extended for at least twenty days upon your written request to the acting Chief Engineer after a petition has been filed to oppose the cancellation. If an extension is requested, the hearing on the cancellation will be continued until the next regular Board Meeting. Any request for extension must be filed with the acting Chief Engineer by September 14, 2026.

Prior to September 14, 2026, contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) if assistance is needed with the following: 1) further information on the proposed cancellation; 2) to assure access to the meeting room for the handicapped; or 3) to obtain an interpreter for the hearing impaired.

According to SDCL 1-26-18.3, parties to a contested case may use the Office of Hearing Examiners to conduct a hearing if either a property right is being terminated or the dollar amount in controversy exceeds \$2,500.00. If you choose to use the Office of Hearing Examiners rather than the hearing procedure described above, then you need to notify the acting Chief Engineer (Water Rights Program, 523 E. Capitol Avenue, Pierre SD) by September 14, 2026.



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

**RECOMMENDATION OF ACTING CHIEF ENGINEER
FOR WATER PERMIT NO. 2800-2, MORELAND FARMS INC.**

Pursuant to SDCL 46-2A-2 and 46-5-37.1, the following is the recommendation of the acting Chief Engineer, Water Rights Program, Department of Agriculture and Natural Resources concerning Water Permit No. 2800-2.

After receiving the 2025 Irrigation Questionnaire for Permit No. 2800-2, which reported "system not constructed", Program staff contacted Ms. Tetherow, who reported that she had taken ownership of the property and that no system had been developed. The deadline for construction completion under Permit No. 2800-2 was August 19, 2024.

The acting Chief Engineer is recommending cancellation of the above water permit due to non-construction.

Adam Mathiowetz, PE, Acting Chief Engineer
September 4, 2026

Note:

Cancellation of the water permit does not prohibit a new application for this project in the future.

CERTIFICATION

The undersigned hereby certifies under the penalty of perjury that I have personally deposited a true and correct NOTICE OF CANCELLATION & RECOMMENDATION dated September 4, 2026, into the United States Mail in Pierre, South Dakota, first class postage prepaid to the following Water Permit and Right holders on September 4, 2026.

WP No. 8165-3

Silver Lake Hutterian Brethren
c/o John Grosz
17354 430th Ave
Clark SD 57225

WP No. 6468-3

Town of Alpena
c/o Finance Officer
PO Box 75
Alpena SD 57312

WR Nos. 293-2 & 294-2

GCC Dacotah Inc
c/o Steve Zellmer
PO Box 360
Rapid City SD 57709

WR No. 5577-3

Curtis Foster
42430 116th St
Britton SD 57430

WR No. 881-2

Ryan Edwards
749 W 5th St
Winner SD 57580

WP No. 2800-2

Janice Tetherow
105 W 2nd St
Valentine NE 69201

WR No. 2482-3 & WP No. 6789-3

Allen & Becky Walth
13640 Walth Bay Rd
Glenham SD 57631

WP No. 7846A-3

Marvin Czech
45848 176th St
Watertown SD 57201

WR No. 950-2

Malon Burtz
30310 Pahapesto Buttes Rd
Winner SD 57580

WR No. 2370-2

KW Holding LLC
c/o Kory Weisbeck
2453 S Plaza Dr
Rapid City SD 57702

WR No. 5579-3

Nels J Sorensen
c/o Grant Sorensen
200 Mickelson Ave
Vermillion SD 57069

WP No. 7429-3

Sorensen Family Farm LLC
c/o Grant Sorensen
2903 Sorensen Ave
Vermillion SD 57069

WP Nos. 6363-3 & 6692-3

Hillside Colony
c/o Timothy Glanzer
18248 Hillside Ln
Doland SD 57436

WP No. 8886-3

Pronghorn Land LLC
c/o Brian Top
2132 32nd Ave
Brookings SD 57706

WR No. 2130-2

Sandee & Tom Yordy
21436 297th St
Martin SD 57551

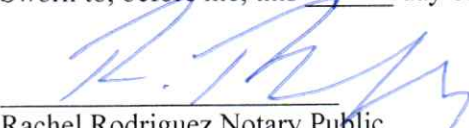

Laura Laufenberg
Senior Secretary

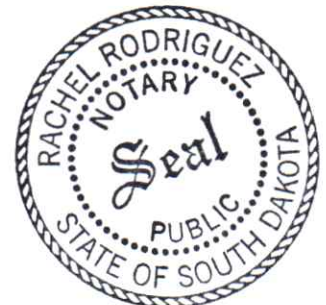
STATE OF SOUTH DAKOTA)

) SS

COUNTY OF HUGHES)

Sworn to, before me, this 4th day of September, 2026.


Rachel Rodriguez Notary Public
My Commission expires May 16, 2029





**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

October 8, 2026

No. 2800-2

NOTICE OF ENTRY OF ORDER

Janice Tetherow
105 W 2nd St
Valentine, NE 69201

Dear Ms. Tetherow:

This will notify you that on October 7, 2026, the Water Management Board cancelled Water Permit No. 2800-2. The action to cancel was taken under the conditions outlined in our notice to you dated September 4, 2026.

SDCL 46-6-27 states that if the owner of an existing well has no plans to use the well (i.e., for domestic purposes such as livestock watering or household use) then the existing well is considered abandoned and must be plugged. Any well that is being used or is not abandoned shall be sealed or capped at the ground surface to prevent contamination of the groundwater. If you intend to use your well for domestic purposes (such as livestock watering or household use), the well does not need to be plugged.

If you have any questions concerning the Board action, please contact Amanda Dewell, Water Rights Permitting Administrator, at (605) 773-3352.

Sincerely,

Adam Mathowitz, PE, Chief Engineer
SD DANR – Water Rights

CERTIFICATION

The undersigned hereby certifies under the penalty of perjury that I have personally deposited a true and correct NOTICE OF ENTRY OF ORDER dated October 8, 2026, into the United States Mail in Pierre, South Dakota, first class postage prepaid to the following Water Permit and Right holders on October 8, 2026.

WP No. 8165-3

Silver Lake Hutterian Brethren
c/o John Grosz
17354 430th Ave
Clark SD 57225

WP No. 6468-3

Town of Alpena
c/o Finance Officer
PO Box 75
Alpena SD 57312

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PO Box 360
Rapid City SD 57709

WR No. 5577-3

Curtis Foster
42430 116th St
Britton SD 57430

WR No. 881-2

Ryan Edwards
749 W 5th St
Winner SD 57580

WP No. 2800-2

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105 W 2nd St
Valentine NE 69201

WR No. 2482-3 & WP No. 6789-3

Allen & Becky Walth
13640 Walth Bay Rd
Glenham SD 57631

WP No. 7846A-3

Marvin Czech
45848 176th St
Watertown SD 57201

WR No. 950-2

Malon Burtz
30310 Pahapesto Buttes Rd
Winner SD 57580

WR No. 2370-2

KW Holding LLC
c/o Kory Weisbeck
2453 S Plaza Dr
Rapid City SD 57702

WR No. 5579-3

Nels J Sorensen
c/o Grant Sorensen
200 Mickelson Ave
Vermillion SD 57069

WP No. 7429-3

Sorensen Family Farm LLC
c/o Grant Sorensen
2903 Sorensen Ave
Vermillion SD 57069

WP Nos. 6363-3 & 6692-3

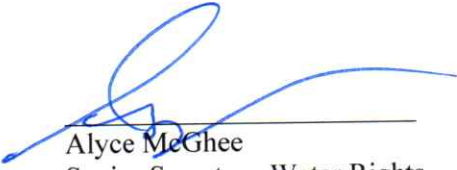
Hillside Colony
c/o Timothy Glanzer
18248 Hillside Ln
Doland SD 57436

WP No. 8886-3

Pronghorn Land LLC
c/o Brian Top
2132 32nd Ave
Brookings SD 57706

WR No. 2130-2

Sandee & Tom Yordy
21436 297th St
Martin SD 57551


Alyce McGhee
Senior Secretary-Water Rights

STATE OF SOUTH DAKOTA)

) SS

COUNTY OF HUGHES)

Sworn to, before me, this 8th day of Oct, 2026


Rachel Rodriguez Notary Public
My Commission expires May 16, 2029

