

WATER PERMIT NO. 2819-2

Name of Applicant: **Fall River Water Users District**

Address: **PO Box 321, Oral SD 57766** Phone: **605 890-0434**

Amount of Water Claimed: **0.09 cfs (24.6 AF)** Total Acres: **NA**

Source of Water Supply: **groundwater (one well)**

Water to be used for: **rural water system use** County: **Fall River**

Type of Waste Disposal System:

Location: **2 miles southeast of Hot Springs**

PRIORITY Date Received: **6-1-21** Application/License Fee: **\$ 300**

Corrected Application Received: Period of Annual Use: **January 1 – December 31**

Remarks: **Backup supply**

Diversion Point: **SE 1/4 SW 1/4 Section 29-T7S-R6E**

Land to be Irrigated: **NA**

Depth of Well: **70 feet deep**

Well Driller:

Remarks:

Type of Map: **aerial**

Prepared by: **Ron Duvall**

Reviewed and the Number Assigned on: ⁶**7-1-21**

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____

			29		
		⊗			

SOUTH DAKOTA
WATER PERMIT NO. 2819-2

Date of first receipt of application June 1, 2021.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 2819-2 to Fall River Water Users District, c/o Keith Neugebauer, PO Box 321, Oral SD 57766 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 2819-2 appropriates 24.6 acre-feet of water annually at a maximum pump rate of 0.09 cubic feet of water per second from one well completed into the Inyan Kara Aquifer (70 feet deep) located in the SE 1/4 SW 1/4 Section 29-T7S-R6E. This well will serve as a backup and additional water supply during periods of peak demand. The rural water system serves users in Custer and Fall River Counties. This site is located approximately 2 miles southeast of Hot Springs SD.
2. The water appropriated shall be used for the purpose of rural water system use and may not exceed the amount of water needed for beneficial use.
3. The water is to be used during the following described annual period: January 1 – December 31.
4. The date from which applicant may claim right is June 1, 2021.
5. The date of approval of Permit No. 2819-2 is August 2, 2021.
6. One-fifth of the construction is to be completed on or before February 2, 2024.
7. All construction is to be completed on or before August 2, 2026.
8. Water is to be put to beneficial use on or before August 2, 2030.
9. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. The well approved under Water Permit No. 2819-2 is located near domestic wells and other wells which may obtain water from the same aquifer. Water withdrawals under this Permit shall be controlled so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The permit holder shall report to the Chief Engineer annually the amount of water withdrawn from the Inyan Kara aquifer.
3. Water Permit No. 2819-2 authorizes a total annual diversion of up to 24.6 acre-feet of water.

WATER MANAGEMENT BOARD

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

AUG 17 2021
date



RECEIVED

JUN 01 2021

WATER RIGHTS
PROGRAM

Mail to: DENR - Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. <u>2819-2</u> (office use only)	Hydrologic Unit <u>10/20109</u>
	Basin <u>Upper Cheyenne</u>	
	Newspaper <u>Custer Co Chronicle</u>	
	<u>Fall River Co. Herald Star</u> <u>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.)

1. Name to Appear on Water Permit Fall River Water Users District

Mailing Address PO Box 321 (Address) Oral (City) SD (State) 57766 (Zip Code)

Phone 605-424-7648 Mobile 605-890-0434 Email keith.frwud@goldenwest.net

2. Amount of water claimed .09 *CFS or 35 **GPM and 24.6 ***AF or 8,000,000 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 Ground Water Well SE 1/4 SW 1/4 Sec 29-T7S-R6E

4. Location of point of diversion Lat 43.407855 Lon -103.434242 County Fall River ☒

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

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

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

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

5. County or counties where water will be used Custer/ Fall River6. 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)

The water source is a 6" domestic steel cased well 70' deep likely in the Lakota Sandstone. The steel casing appears to be cemented to 45' with water level at 35'. After completing a pump test of 35 gpm the drawdown stabilizes at 50' below ground level. The well and water source is projected to provide the Rural Water System with backup and additional supply for periods of peak demand.

See Attached Lithoogy Log from our South Madison Well completed 150' directly south of the proposed application

I, Karen V. Nelson 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 _____ Have test holes been drilled ☐ Yes ☐ No Drilled by _____
(if yes, please provide copies of logs)

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

For either Existing or Proposed Wells:

c) Well Depth (required) 70' Depth to Top of Water Bearing Material 40' Depth to Water from Surface 35'

d) Distance to nearest domestic well on applicant's property 300' Property owned by others yes

2. Wastewater Disposal System Information

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

b) System Capacity (gallons) _____ Year Constructed _____

c) Connected to the City of _____ Sanitary System

3. Dugout Information

a) Surface Dimensions _____ Depth _____

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

4. Water Storage Dams

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

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

b) Freeboard _____

c) Crest Width _____

Crest Length _____

d) Height _____

e) Primary Outlet Capacity _____

If pipe, diameter _____

f) Secondary Spillway Capacity _____

Spillway Width _____

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

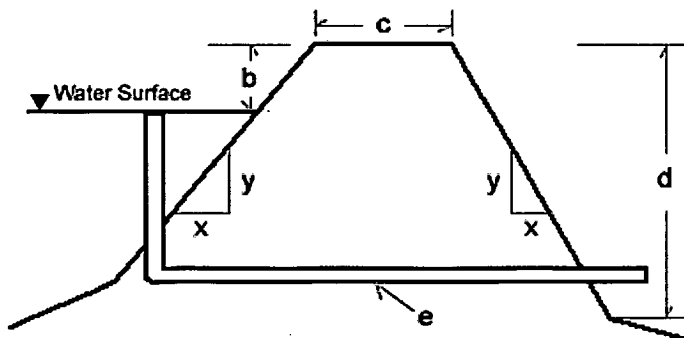
Upstream _____

Downstream _____

h) Surface Area of Impoundment _____

i) Storage _____ Acre Feet

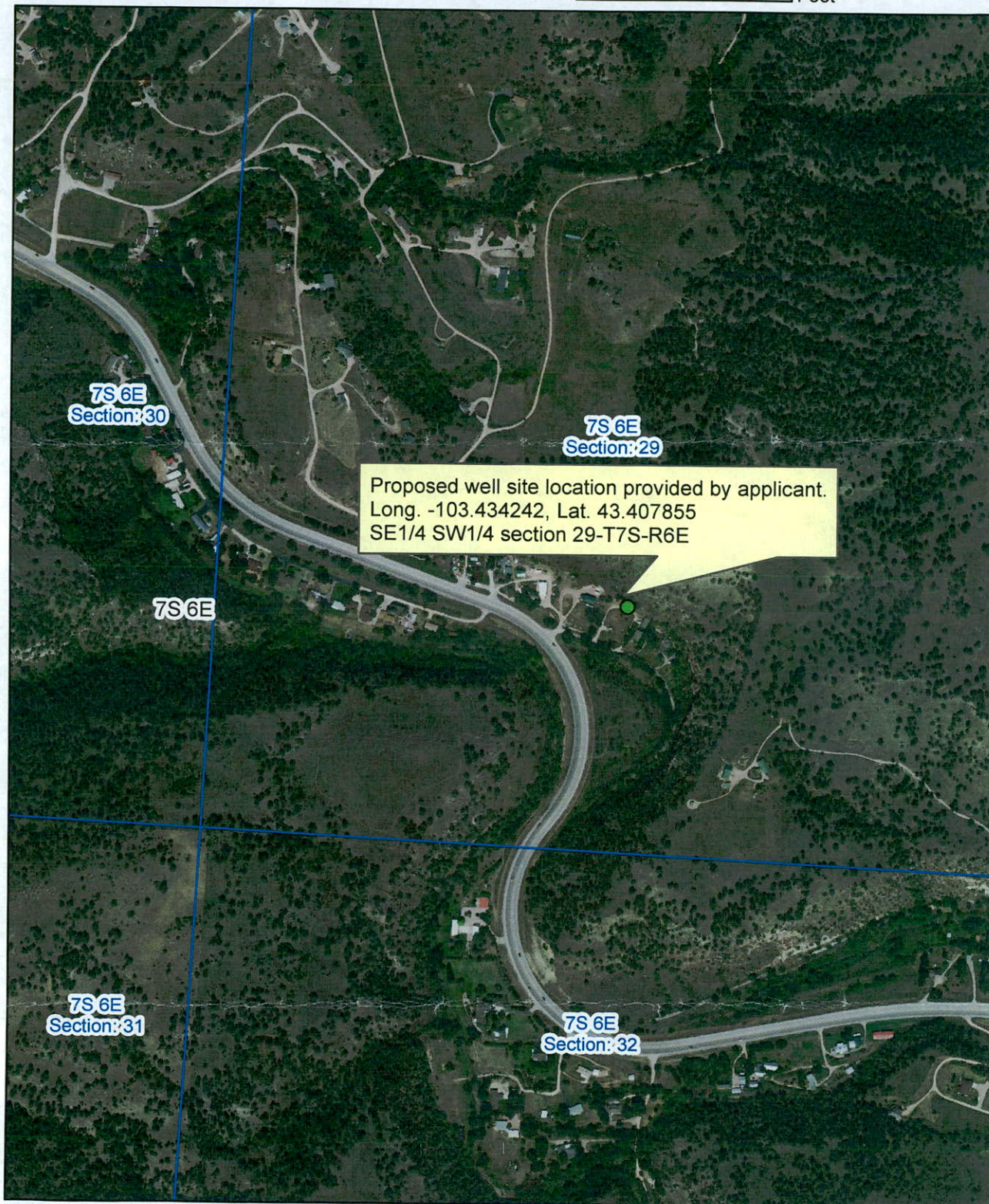
j) Drainage Area Above Dam _____ Acres



Scale: 1 inch = 695 feet

990

Feet



Completed by:

Ron Duvall

Ron Duvall, W.R. Permitting Administrator
SD DENR, Water Rights Program

Diversion point located using coordinates provided by applicant.

Date: March 10, 2020

Application No.

APPENDIX E
FALL RIVER WATER USERS DISTRICT
FALL RIVER SOUTH MADISON WELL
LITHOLOGY LOG

DATE	DEPTH	MAJOR LITHOLOGY	DESCRIPTION
12/3/12	0 – 30	S.S./Calcified river bank debris	Reddish brown w/ some salmon colored, v. fine – fine mod. indurated, round, sands w/ greyish brown, calcified river bank plant and soil sediment. Numerous pipes & vugs where the soil surrounding the plant shoots has calcified & the plant has decomposed leaving an open void. This material caused lost circulation problems for the Driller. Also grey, well indurated salt & pepper textured, v. fine, sub-round sandstone w/ yellowish brown chert and trace of purple siltstone.
	30 – 60	Sand	Salmon colored, loose, v. fine to fine, sub-angular quartz sand w/ grey, well indurated, salt & pepper textured, v. fine, sub-round sands, both are non-calcareous.
	60 – 90	Sand	Salmon colored, loose A.A., v. fine grained sub-round to round.
	90–120	Sand	Brownish-gray, soft-loose, v. fine to fine, sub-round to round sands, sltly calc. w/ some iron staining.
	120-150	Sand	Reddish brown to grayish red, soft to loose, well sorted, fine grained, sub-ang. to sub-round, quartz sand, sltly glauconitic w/ 5 to 15% gray to bluish gray, soft v. fine to silt size sandstone.
	150-180	Sand	Salmon colored, loose, well sorted fine, sub-round, qtz sands w/ trace of round med. grained sands, sltly glauconitic w/ 15% mafic mat'l.
	180-210	Sand	A.A., slightly darker – pinkish gray w/ trace of gray & purple soft siltstone w/ < 3% lt. tan calcite chips.
	210-240	Sand	Same as 150 to 180 sample.
	240-270	Sand	A.A.



FALL RIVER WATER USERS DISTRICT

PO BOX 321
ORAL SD 57766
(605)424-7648
keith.frwud@goldenwest.net

May 27, 2021

RECEIVED

JUN 01 2021

WATER RIGHTS
PROGRAM

DANR
Water Rights Program
Joe Foss Building
523 East Capitol
Pierre, SD 57501

Dear Ms. Schlaak,

Please find included the amended *Application for a Permit to Appropriate Water* for our system use. The District wishes to continue the application process for the permit at this location. The included map by Ron Duvall is an accurate location of the well we are seeking a permit for. Please advise if you need any further information.

Sincerely,

Keith Neugebauer
Fall River Water Users District
(605)424-7648
keith.frwud@goldenwest.net

RECEIPT

WATER RIGHTS PROGRAM South Dakota Department of Environment and Natural Resources

Date March 9, 2020

RECEIVED OF Fall River Water Users Dist. 27600 W Oral Rd. Oral SD 57766

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

Fee for Application for Permit No. <u>2819-2</u> to Appropriate Water, to construct and to put water to beneficial use	\$500.00
Fee for Application for Permit No. _____ to Appropriate Water for Future use	\$
Fee to retain Future Use Permit No. _____ after period of seven years.	\$
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>2819-2</u>	\$200.00
Fee for Filing Transfer Form _____	\$
Fee for _____	\$
Fee for Issuing New Well Driller's License No. _____	\$
Fee for Renewal of Well Driller's License No. _____	\$
Fee for Issuing Well Pump Installer's License No. _____	\$
Fee for Renewal of Well Pump Installer's License No. _____	\$
(Any Other Work Provided by Law)	
TOTAL	\$700.00

By Eric Brundlund
Chief Engineer
EB



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 2819-2, Fall River Water Users District**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Agriculture and Natural Resources concerning Water Permit Application No. 2819-2, Fall River Water Users District, PO Box 321, Oral SD 57766.

The Chief Engineer is recommending APPROVAL of Application No. 2819-2 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) it is in the public interest with the following qualifications:

1. The well approved under Water Permit No. 2819-2 is located near domestic wells and other wells which may obtain water from the same aquifer. Water withdrawals under this Permit shall be controlled so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The permit holder shall report to the Chief Engineer annually the amount of water withdrawn from the Inyan Kara aquifer.
3. Water Permit No. 2819-2 authorizes a total annual diversion of up to 24.6 acre-feet of water.

See report on application for additional information.

Eric Gronlund, Chief Engineer
July 13, 2021

**Report to the Chief Engineer on
Water Permit Application No. 2819-2**

Fall River Water Users District
16 June 2021

Water Permit Application No. 2819-2 seeks to withdraw up to 24.6 acre-feet of water per year (ac-ft/yr) at a maximum instantaneous withdrawal rate of 0.09 cubic feet of water per second (cfs) from one existing well (approximately 70 feet deep) completed into the Inyan Kara aquifer in the SE ¼ SW ¼ Section 29 T7S-R6E for use as a backup supply and additional water supply during period of peak demand for a water distribution system in Fall River and Custer Counties.

Aquifer: Inyan Kara (INKR)

Hydrogeologic Characteristics

The Inyan Kara aquifer is a regional-scale bedrock aquifer that underlies most of the northern great plains in the United States and Canada and is composed of the permeable and saturated portions of the Inyan Kara Group of sediments deposited during the early Cretaceous period [1] [2]. The Inyan Kara Group consists of the Fall River and Lakota Formations. The Fall River Formation is a “Variegated brown, red, and gray to purple, calcareous, well-sorted, fine-grained sandstone, siltstone, and shale containing mica” [1]. The Lakota Formation is a “yellow, brown, red-brown, and gray to black claystone, silty pebble conglomerate, and massive-to-thin-bedded, cross-bedded sandstone” [1]. The Inyan Kara aquifer underlies approximately 23,000,000 acres in South Dakota west of the Missouri River [3] and also extends east of the Missouri river. In South Dakota, the Inyan Kara aquifer is under water table conditions where it outcrops around the Black Hills, but is otherwise under confined conditions [4] [5]. Most of the Inyan Kara aquifer is overlain by the Skull Creek Shale, which serves as a relatively impermeable barrier between the Inyan Kara aquifer and the Dakota aquifer [6]. Where the Skull Creek Shale is not present, the Inyan Kara aquifer discharges into the Dakota aquifer [6]. Below most of the Inyan Kara aquifer, the Morrison Shale acts as an impermeable barrier between the Inyan Kara aquifer and the aquifers below it [6].

The applicant did not submit a well completion report for the well they propose to use for this application but did submit part of the geologic report for a well owned by the applicant located approximately 150 feet south of the applicant’s well. The driller reported encountering reddish brown, “salmon” colored, or pink sandstone or sand to a depth of 270 feet. The full geologic report of that well, which was completed into the Madison aquifer, is available in the Water Rights Program Well Completion Report database [5]. In the full well completion report, completed on January 3, 2014, the driller reported alluvium from ground surface to 20 feet below grade and the Chilson Member of the Lakota Formation from 20 feet below grade to 149 feet below grade. Other nearby Inyan Kara wells had a static water level between 18 and 185 feet below grade at the time they were completed [5]. Since the well for this application is 70 feet deep and the land surface elevations between the well for this application and the nearby well completion report are similar, it is likely to be completed into the Chilson Member of the Lakota Formation, which is a part of the Inyan Kara Group [7]. The materials and colors reported in the application are consistent with published descriptions of the Inyan Kara aquifer [1]. Based on the materials reported near the location of this well, it is likely to be under unconfined conditions. It

is also likely that water levels in this well will vary more based on shorter-term climactic conditions than a buried, confined well would experience.

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, 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 only assess the availability of water and possibility of developing this application without unlawful impairment of existing water rights.

Pursuant to SDCL 46-6-3.1, 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 the water to the groundwater source. An exception allows water distribution systems to withdraw from groundwater sources older or stratigraphically lower than the Greenhorn Formation regardless of the results of a hydrologic budget. The Greenhorn Formation is absent at the location of this application, but Fall River Water User District is a water distribution system as defined in SDCL 46-1-6(17), and the Inyan Kara aquifer is older than the Greenhorn Formation [7]. Therefore, it is not necessary to find that recharge exceeds withdrawals to approve this application. However, a statewide and local hydrologic budget will be provided for the information of the Chief Engineer and Water Management Board.

Availability of Water

Hydrologic Budgets

This application is on the outcrop of the Inyan Kara Group, so it is appropriate to estimate a local hydrologic budget as well as a statewide hydrologic budget.

Statewide Recharge

In South Dakota, recharge to the Inyan Kara aquifer is by infiltration of precipitation and streamflow over the outcrop and groundwater inflow from aquifers in contact with the Inyan Kara aquifer when the hydraulic head in the Inyan Kara aquifer is below the hydraulic head of the aquifers with which it contacts [8]. There is no estimate of the total recharge to the Inyan Kara aquifer available from a single report. Driscoll and Carter [9] estimated that the recharge to the Inyan Kara outcrop is 11,600 ac-ft/yr. Bredehoeft, Neuzil, and Milly [10] attempted to model flows between the Madison Group, Inyan Kara aquifer, Dakota/Newcastle aquifer, and confining shale units, but the model is based on dated information when newer information is available that could change the results. Their model estimated that approximately 16,000 ac-ft/yr, flows from the Madison Group to the Inyan Kara aquifer [10], which is the only estimate of recharge to the Inyan Kara aquifer from lower aquifers available.

Statewide Discharge

Discharge from the Inyan Kara aquifer is by evapotranspiration on the outcrops when the hydraulic head of the aquifer is near land surface, seepage to surface water features when the hydraulic head of the aquifer is above the stage of the surface water features, groundwater

outflow to adjacent aquifers, uncontrolled flowing wells, and domestic and appropriative well withdrawals [8] [11] [5]. The Water Rights Program considers the outflow from uncontrolled flowing wells and the outflow from natural discharge to be available for appropriation.

Due to the low withdrawal rate and prevalence of water distribution systems, domestic well withdrawals are negligible for the statewide hydrologic budget. There are 205 water rights/permits currently authorized to withdraw from the Inyan Kara aquifer, one future use permit, No. 1780-2, reserving 142 ac-ft/yr from the aquifer, and one application, No. 2686-2, which seeks to withdraw up to 274 ac-ft/yr and is held in abeyance until federal permits are approved.

Of the 205 water rights/permits authorized to withdraw water from the Inyan Kara aquifer, 112 are primarily for water distribution systems (municipal, rural water system, suburban housing development, or domestic use), 54 are for commercial use, 18 are for irrigation, 10 are for industrial use, five are for fish and wildlife propagation, three are for geothermal use, two are for recreation, and one is for institutional use. Ten of the 18 irrigation water rights/permits are required to report their withdrawals and are old enough to have reported their withdrawals in an irrigation questionnaire [11]. Figure 1 shows a graph of reported irrigation over the period of record [12]. Average irrigation reported over the period of record (1982 – 2020) was approximately 80 ac-ft/yr [12]. However, irrigation practices have changed, so an average over the period of record may not be an accurate method to predict future withdrawals. The average irrigation over the last ten years of record (2011 – 2020) was approximately 131 ac-ft/yr [12]. There are eight irrigation permits, accounting for 630 acres, where the permit either does not require an annual report or the permit is too new to have reported irrigation. Water Right No. 466-1 allows for irrigation via ditches of 434 acres from a flowing well at 1.5 cfs and is assumed to withdraw 1,087 ac-ft/yr, which is the amount the well can deliver if it flows uncontrolled at its maximum instantaneous diversion rate. Assuming the other seven water rights/permits that do not report irrigation or are too new to have reported apply 12 inches per acre per year, those permits are estimated to withdraw a total of 196 ac-ft/yr. The total estimated withdrawal for irrigation is 1,414 ac-ft/yr using the 2011 to 2020 average withdrawal rate.

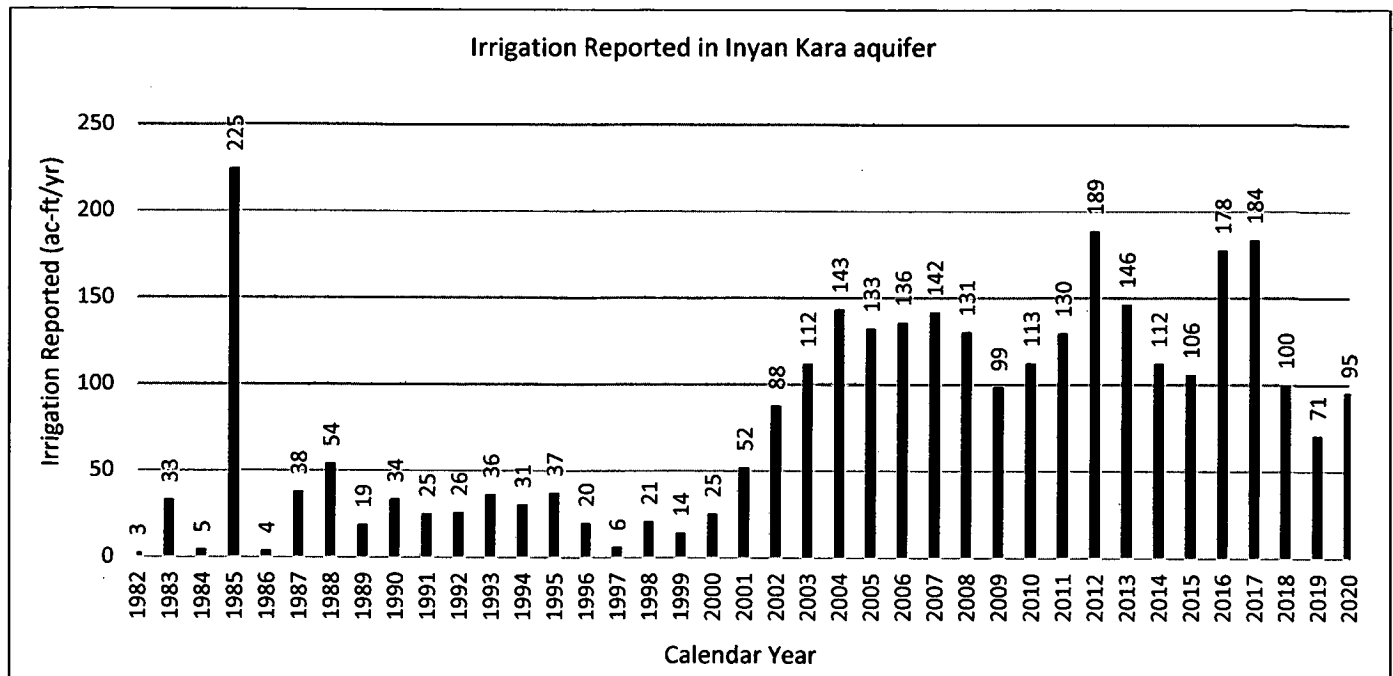


Figure 1: Irrigation reported in the Inyan Kara aquifer [12].

Of the non-irrigation withdrawals, 11 municipal water rights/permits are only maintained for emergency use and are therefore assumed to withdraw a negligible amount of water [11] [13] [14]. There are 34 non-irrigation water rights/permits required to report, although some are new enough that their average reported use continues to increase with each new year of reports, which means they are still developing the full use of their permit [11] [15]. For water rights/permits that are still developing their permit, if there is a maximum volume of withdrawal specified in their permit, that volume is assumed to be their estimated annual withdrawal. If those permits do not have a volume specified on their permit, their withdrawal is assumed to be 60% of their maximum instantaneous pump rate. For non-irrigation permits required to report that have fully developed their permit, the estimated withdrawal is their average annually reported withdrawal rate. One water right permit holder, Wink Cattle Company, reported withdrawals of 24 ac-ft in 2018 and 276.7 ac-ft in 2019. They hold other water rights/permits from other water sources, but their Inyan Kara water rights/permits can only deliver 113.0 ac-ft/yr if they withdraw at their maximum permitted withdrawal rate continually, so they are assumed to withdraw that volume of water from the Inyan Kara aquifer. Table 1 (see page 5) shows the non-irrigation water rights/permits required to report their withdrawals [11] [15]. The total estimated withdrawal for non-irrigation water rights/permits required to report is 3,202 ac-ft/yr [11] [15]. There are five non-irrigation water rights/permits not required to report that have a volume limit specified in their permit [11]. Those water rights/permits are assumed to withdraw their full specified volume, for a total withdrawal of 193 ac-ft/yr [11]. Concentrated animal feeding operations (CAFOs) large enough to require a *General Water Pollution Control Permit for Concentrated Animal Feeding Operations* (General Permit) that do not report their annual withdrawals are estimated to withdraw water based on the number of animals permitted to those facilities [16].

Report on Water Permit App. No. 2819-2

Table 1: Non-irrigation users required to report withdrawals [11] [15].

Permit:	Status:	Name/Business:	Use:	Priority:	Max. CFS	Est. Use (ac-ft/yr)
8299-3	Permit	Aberdeen Energy LLC	IND	09/28/2018	1.330	968.0 ^V
8197-3	Permit	Aberdeen Farm LLC	COM	01/29/2016	0.160	72.1 ^V
1903-1	License	Castle Rock Group	DOM	05/19/2009	0.110	15.5 ^A
1906-1	License	City of Sturgis	MUN	08/21/2009	0.222	2.1 ^A
1958-1	License	City of Sturgis	MUN	04/11/2016	0.088	
2596-2	License	City of Wall	MUN	07/24/2006	0.600	142.4 ^A
1983-1	Permit	Continental Resources	IND	07/10/2018	0.500	360.0 ^V
1846-1	License	Dennis or Anna Mae Beckham	SHD, DOM	05/26/2005	0.100	2.9 ^A
1996-1	Permit	Dylan Gingras	SHD	04/14/2020	0.133	48.0 ^V
1920-1	License	Elk Valley Ranchettes HOA	SHD	01/24/2011	0.100	8.9 ^A
2635-2	License	Fall River Water Users District	SHD, DOM	07/17/2008	0.100	2.6 ^A
1826-1	License	Golden Valley Water Company LLC	SHD	09/01/2004	0.267	16.9 ^A
2601-2	License	Grandview Land LLC	SHD	09/01/2006	0.330	206.0 ^V
1837-1	License	Guy Mann	SHD	02/28/2005	0.220	1.2 ^A
1645-2	License	Hermosa Water Users Assn	RWS	08/17/1978	0.600	158.0 ^A
2538-2	Permit	JKRK Properties LLC	SHD	08/30/2004	0.244	11.7 ^A
1989-1	Permit	Luff Exploration Company	IND	04/09/2019	0.100	58.8 ^V
2622-2	License	Owanka Rural Water Association Inc	RWS	10/09/2007	0.390	20.6 ^A
1999-1	Permit	Rafter Properties LLC	SHD	07/23/2020	0.170	74.0 ^V
2543-2	License	Southern Black Hills Water System	SHD	09/30/2004	0.190	82.6 ^E
2752-2	Permit	Southern Black Hills Water System	RWS	04/25/2016	0.330	170.0 ^V
2752A-2*	Permit	Southern Black Hills Water System	RWS	04/25/2016	0.000	0.0 ^V
2550-2	License	Town of Hermosa	MUN	01/25/2005	0.220	48.0 ^A
1968-1	Permit	Venekamps LLC	SHD	04/27/2017	0.110	29.0 ^V
1874-1	License	Viewfield Rural Water Assoc Inc	RWS	01/03/2007	0.212	36.6 ^A
1898-1	License	Viewfield Rural Water Assoc Inc	RWS	11/14/2007	0.394	
8420-3	Permit	Vogel Farms PTR	GEO	01/28/2020	0.120	88.7 ^V
2464-2	License	West River Lyman Jones	RWS	07/26/2001	0.760	433.8 ^A
2465-2	License	West River Lyman Jones	RWS	07/26/2001	1.000	
2797-2	Permit	West River Lyman Jones RWS	RWS	04/01/2019	1.000	
2778-2	Permit	Western Construction Inc	COM, IND	11/13/2017	0.170	31.0 ^V
1855-1	License	Wink Cattle Co	COM, DOM	01/26/2006	0.087	113.0 ^M
1975-1	Permit	Wink Cattle Co	COM, DOM	02/20/2018	0.069	
1975A-1	Permit	Wink Cattle Co	COM, DOM	12/03/2018	0.000	
Total						3,202.3
COM – Commercial, DOM – Domestic, GEO – Geothermal, IND – Industrial, MUN – Municipal, RWS – Rural Water System, SHD – Suburban Housing Development						
A – Average report, E – 60% of max. withdrawal, M – Max. withdrawal possible at permitted rate, V – Volume specified in permit						
* Extends construction period of permit						

Report on Water Permit App. No. 2819-2

There are 14 CAFOs that are large enough to require a General Permit that are not required to report their withdrawals under their water right permit [11] [17]. In the cases where the estimated animal water requirements are greater than the amount of water allowed by the water right/permit, the water rights/permits are assumed to withdraw the maximum amount of water licensed/permitted. Table 2 (see page 6) shows the estimated withdrawals for CAFOs not required to report. The total estimated withdrawal for CAFO water rights/permits not required to report their withdrawals is 1,089 ac-ft/yr. Finally, there are 123 non-irrigation water rights/permits that do not match any of the descriptions above [11]. They are conservatively assumed to withdraw at 60% of their maximum instantaneous withdrawal rate permitted, for a total withdrawal of 8,966 ac-ft/yr [11].

Table 2: CAFOs not required to report withdrawals [11] [17].

Permit No:	Status:	Name/Business:	County:	Priority Date:	Pump Rate (cfs):	Ann. Limit (ac-ft/yr)	Livestock needs (ac-ft/yr)	Est. Use (ac-ft/yr)
6091-3	Permit	Brentwood Colony	Faulk	07/13/1998	0.100	72	34	34
4965-3	License	Dakota Feeding Company LLC	Sully	06/21/1983	0.330	239	168	168
6128-3	License	Deerfield Hutterian Brethren	Edmunds	03/03/1999	0.270	196	45	45
5890-3	License	Evergreen Colony	Faulk	11/14/1995	0.140	101	28	28
2178-2	License	Fall River Feed Yard LLC	Fall River	05/14/1991	0.620	449	280	280
6376-3	License	LDL Cattle Company	Edmunds	12/26/2002	0.220	159	112	112
6377-3	License			12/26/2002	0.270	196		
7098-3	License	Mike & Jessie Fuller	Sully	02/19/2009	0.040	29	54	29
6619-3	Permit	P J Werdell & Sons	Hand	03/14/2005	0.330	239	112	112
7209-3	License	Paul Oberlitner	Potter	10/19/2010	0.040	29	62	29
6011-3	License	Plainview Colony Hutterian Brethren	Edmunds	07/07/1997	0.220	159	30	30
6257-3	Permit	Thunderbird Colony	Faulk	04/05/2001	0.200	145	77	77
6851-3	License	Todd Cowan	Hyde	04/25/2007	0.150	109	99	99
7034-3	License	Vogel & Sautner Farms	Potter	05/19/2008	0.123	89	45	45
Total						2,212	1,147	1,089

Balance of Statewide Hydrologic Budget

The estimated recharge to the Inyan Kara aquifer in South Dakota is approximately 27,600 ac-ft/yr. Table 3 (see page 7) summarizes the withdrawals discussed in the Statewide Discharge section of this report. The total estimated withdrawals including one application held in abeyance and one future use permit is 15,280 ac-ft/yr. This application may withdraw up to 24.6 ac-ft/yr. Therefore, based on the hydrologic budget, there is reasonable probability unappropriated water is available for this application.

Table 3: Summary of Statewide Discharge section.

Type	No. Permits	Est. Withdrawal (ac-ft/yr)
Irrigation, reporting	10	131
Irrigation, not reporting	8	1,283
Standby	11	0
Non-irrigation, reporting (Table 1)	34	3,202
Non-Irrigation, not reporting, volume limit less than max diversion rate	5	193
CAFO, non-reporting, limited by max. diversion rate (Table 2)	14	1,089
All others, limited by max. diversion rate	123	8,966
<i>Subtotal (currently permitted to withdraw)</i>	<i>205</i>	<i>14,864</i>
Held in Abeyance	1	274
Pending	0	0
Future Use	1	142
Grand Total	207	15,280

Local Recharge

The local hydrologic budget boundary was delineated based on the outcrop of the Inyan Kara aquifer [18] and extends down-gradient from the outcrop in such a way that groundwater flow in the aquifer does not cross the north-south boundaries, assuming the mapped hydraulic head (potentiometric surface) of the aquifer is the same as it was when the map of hydraulic head in the Inyan Kara aquifer was published in 2000. The eastern boundary of the local hydrologic budget is somewhat arbitrary and was delineated to include all water rights/permits that were in the map extent and down-gradient of the outcrop. Figure 2 (see page 8) shows the local hydrologic budget boundaries.

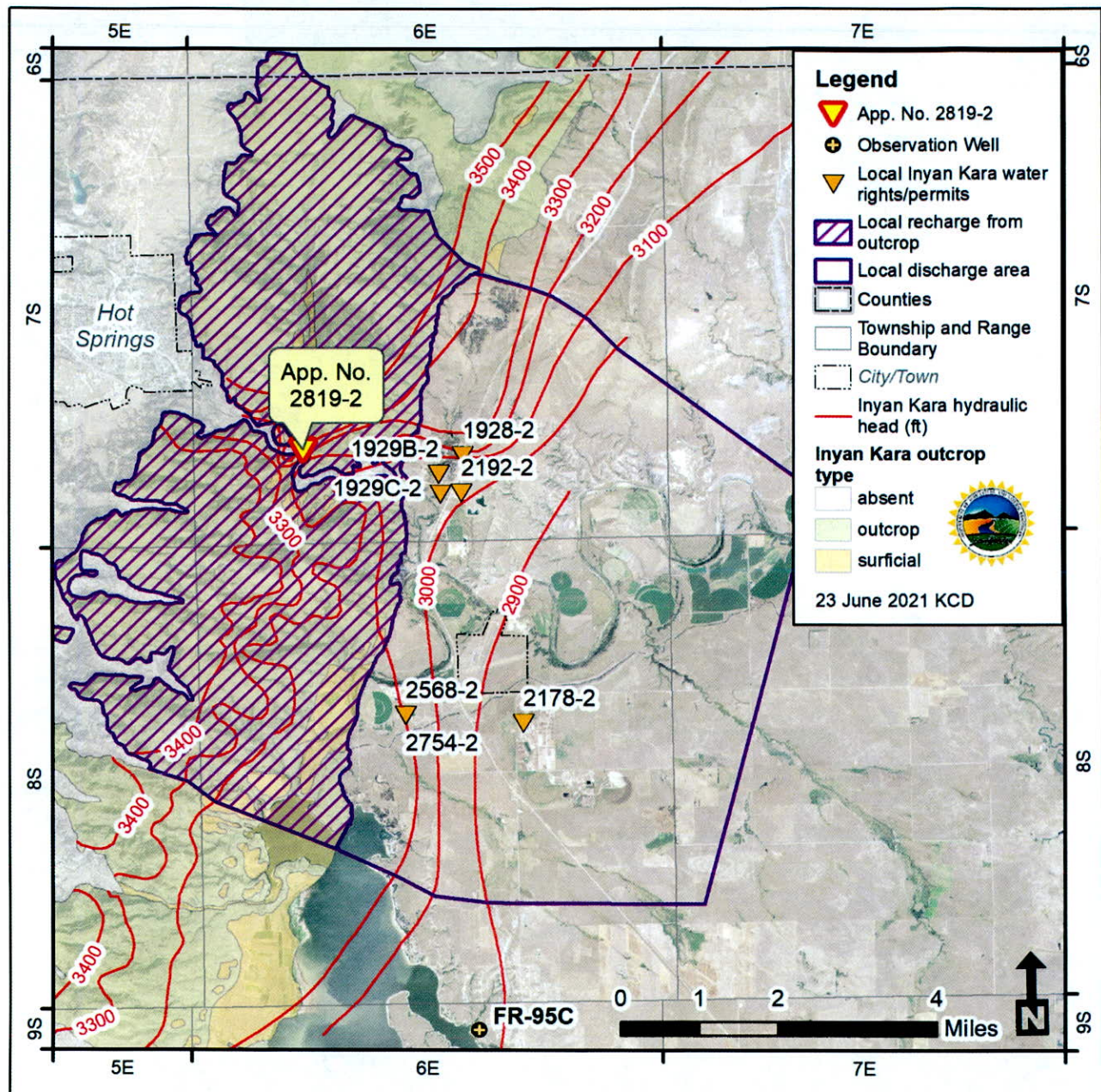


Figure 2: Local recharge and discharge area, Inyan Kara outcrop and hydraulic head [18], Inyan Kara water rights/permits inside local discharge boundaries [11], and observation well [4].

Local recharge to the Inyan Kara aquifer is mainly by infiltration of precipitation and infiltration from surface water features when the hydraulic head of the Inyan Kara aquifer is lower than the stage of the surface water features. The outcrop of the Inyan Kara aquifer in the local hydrologic budget boundaries extends across approximately 17,556 acres. Driscoll and Carter [9] estimated precipitation recharge to the Inyan Kara outcrop by multiplying total yield to a recharge factor. The total yield is the difference between the average precipitation on the outcrop and the average evapotranspiration on the outcrop [9]. Driscoll and Carter [9, p. 64] estimated that the recharge factor was 0.8 and they estimated the total yield was 0.79 inches when the average precipitation for the whole outcrop was 17.84 inches. The average annual precipitation at Hot Springs from

water years 1931 through 1998 was 16.51 inches [19]. Assuming the total yield in the area of this application is proportionate to the total yield overall with respect to average precipitation, the total yield in this area is 0.73. The assumption that total yield in one area is proportional to average total yield to the aquifer may not be accurate, but it is the best information available. Therefore, the recharge to the outcrop in the area of this application is approximately 0.58 inches per year, or approximately 849 ac-ft/yr.

Local Discharge

Discharge from the Inyan Kara aquifer in the local area is likely by seepage to Fall River when the hydraulic head of the aquifer is above the stage of Fall River, evapotranspiration, groundwater outflow to the rest of the aquifer, and domestic and appropriative well withdrawals. Due to the prevalence of water distribution systems and relatively low withdrawal of domestic wells, domestic well withdrawals are assumed to be negligible for the local hydrologic budget. There are seven water rights/permits in the local hydrologic budget area (Table 4) [11]. Using the same methods as the statewide discharge section, the total withdrawal for active water rights/permits is estimated to be 409 ac-ft/yr.

Table 4: Water rights/permits in the local hydrologic budget [11].

Permit No:	Status:	Name/Business:	Priority Date:	Type of use:	Max. CFS	Volume (ac-ft/yr)
1928-2	License	Tinisu Springs LLC	05/06/1985	COM	0.040	N/A
1929B-2	License	Floyd Simunek Jr	05/01/1985	COM	0.050	N/A
1929C-2	License	Steve L Simunek	05/01/1985	COM	0.050	N/A
2178-2	License	Fall River Feed Yard LLC	05/14/1991	COM	0.620	N/A
2192-2	License	Bob Azarski	08/13/1991	COM	0.040	N/A
2568-2	License	Quality Real Estate Inc	09/13/2005	FWP, DOM	0.056	7.00
2754-2	License	Steve Simunek	05/31/2016	COM	0.100	N/A
COM – Commercial, DOM – Domestic, FWP – Fish and wildlife propagation.						

Balance of Local Hydrologic Budget

Recharge to the outcrop in the local hydrologic budget area is approximately 849 ac-ft/yr. Withdrawals in the local hydrologic budget area are approximately 409 ac-ft/yr. This application may withdraw up to 24.6 ac-ft/yr. Therefore, based on the local hydrologic budget, there is reasonable probability unappropriated water is available for this application.

Observation Wells

Administrative Rule of South Dakota (ARSD) 74:02:05:07 requires that the Water Management Board rely upon the record of observation well data in addition to other information to determine the availability of unappropriated water. The Water Rights Program maintains nine observation wells completed into the Inyan Kara aquifer [4]. The nearest Water Rights observation well to this application completed into the Inyan Kara aquifer is Observation Well FR-95C, located approximately seven miles south and two miles east of this application. This observation well is under confined conditions, while the applicant's well is likely to be unconfined. Water levels in unconfined portions of an aquifer tend to rise and decline more in response to climactic conditions than water levels in confined portions of the aquifer do [4]. Figure 3 shows water levels measured at Observation Well FR-95C. In general, there is an upward trend in the

observation well, although small declines appear, likely due to seasonal withdrawals. Since water levels in Observation Well FR-95C have tended to rise over time, there is reasonable probability unappropriated water is available for this application.

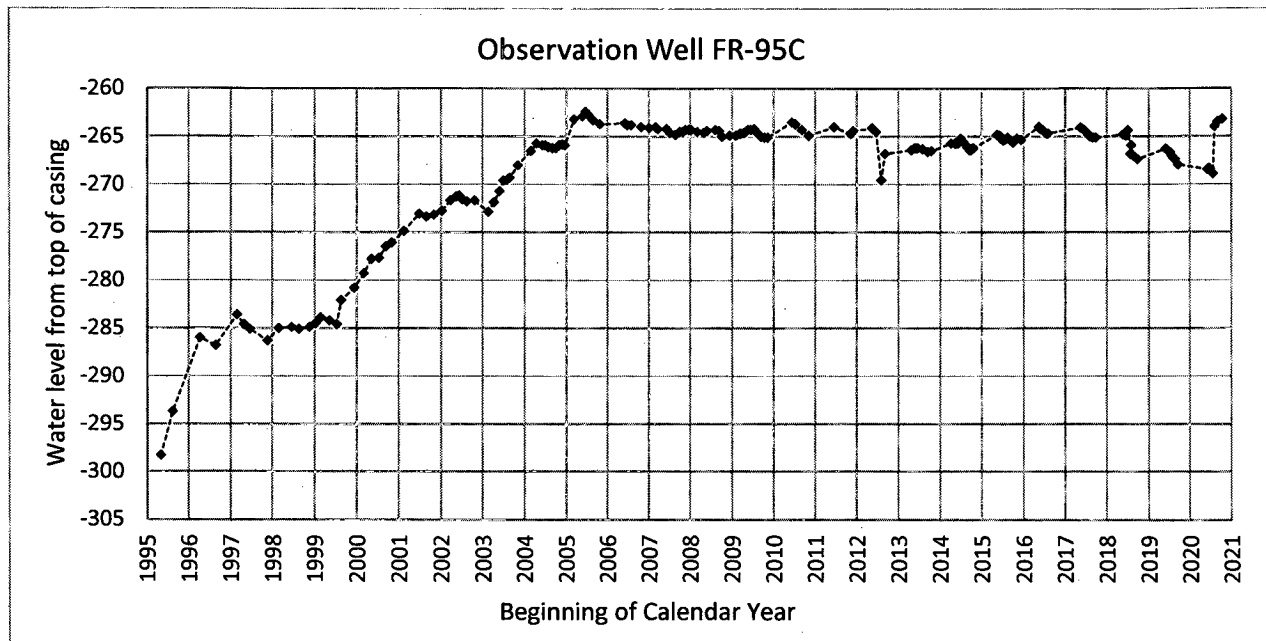


Figure 3: Water levels in Observation Well FR-95C [4].

Possibility of Unlawful Impairment of Existing Water Rights

The nearest water right/permits to this application that are completed to the Inyan Kara aquifer are Water Right Nos. 1929B-2 and 1929C-2 located approximately 1.75 miles east of this application [11]. There are multiple domestic wells in the same quarter-quarter as the well for this application that are completed into the Inyan Kara aquifer [5]. The Water Rights Program has historically interpreted an unlawful impairment of existing water rights to occur if a junior water right/permit causes a nearby adequate well with a senior water right/permit to become unable to withdraw at the rate it is entitled to or, if a domestic well is impacted, the water right/permit causes the adequate domestic well to be unable to withdraw at the rate needed to supply reasonable domestic use of water. Administrative Rule of South Dakota (ARSD) 74:02:04:20(6) defines an adequate well as:

...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

There is no record of unlawful impairment of Inyan Kara wells in Fall River County on file with the Water Rights Program [20]. Given the lack of history of unlawful impairment and the unconfined nature of the aquifer in the area of the application, there is reasonable probability this application can be developed without unlawful impairment of existing water rights.

Special Considerations

Since the applicant could not submit a well completion report with this application, there is no way for the Water Rights Program to verify that the well to be used is an adequate well pursuant to ARSD 74:02:04:20(6). If the applicant chooses to replace this well or complete an additional well to achieve the requested diversion rate, the replacement or additional well must be an adequate well and drilled in accordance with South Dakota's well construction standards.

Conclusions

1. Water Permit Application No. 2819-2 seeks to appropriate up to 24.6 ac-ft/yr at a maximum instantaneous withdrawal rate of 0.09 cfs from one existing well completed into the Inyan Kara aquifer located in the SE ¼ SW ¼ Section 29 T7S-R6E for use as a backup supply for a water distribution system in Fall River and Custer Counties.
2. Based on the hydrologic budgets and observation well analysis, there is reasonable probability unappropriated water is available for this application.
3. There is reasonable probability this application can be developed without unlawful impairment of existing water rights.



Kimberly C. Drennon, E.I.
Engineer II – DANR Water Rights Program

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- [4] SD DANR Water Rights Program, "Observation wells," Pierre, South Dakota, 2021.
- [5] SD DANR Water Rights Program, "Well completion report database," SD DANR Water Rights Program, Joe Foss Bldg., Pierre, 2021.
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Schlaak, Karen

From: Schlaak, Karen
Sent: Thursday, July 15, 2021 11:30 AM
To: Keith Neugebauer (keith.frwud@goldenwest.net)
Subject: Water Permit Application No. 2819-2
Attachments: 1520.pdf

Attached is a copy of the report, chief engineer recommendation and information regarding the public notice for your water permit application. As stated in the letter, please contact the papers as soon as possible to authorize publication and arrange for payment. The Notice is scheduled to be published next week. The deadline to contact the Custer paper is Friday (July 16th). This information is being mailed to you today.

Karen Schlaak

DANR - Water Rights Program
(605) 773-3352
Website: <https://danr.sd.gov>



Affidavit of Publication

State of South Dakota)

)ss.

County of Custer)

Charles W. Najacht of said county, being duly sworn, on oath says that he is publisher of the Custer County Chronicle, a weekly newspaper printed and published in Custer City, said County of Custer and has full and personal knowledge of all the facts herein stated; that said newspaper is a legal newspaper and has a bona-fide circulation of at least two hundred copies weekly, and has been published within said County for fifty-two successive weeks next prior to the publication of the notice herein, mentioned, and was and is printed wholly or in part in an office maintained at said place of publication: that the

*Fall River Water Users District
Notice of Application No. 2819-2
to Appropriate Water*

a printed copy of which, taken from the paper in which the same was published, is attached to this sheet, and is made a part of this Affidavit, was published in said newspaper at least once each week for two successive week(s), on which said newspaper was regularly published, to wit:

July 21, 2021; July 28, 2021;

_____, _____; _____, _____;
_____, _____; _____, _____;
_____, _____; _____, _____;

the full amount of the fees for the publication of the annexed notice is \$ 43.61.

Charles W. Najacht

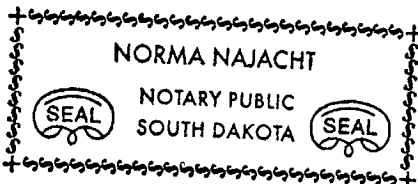
Subscribed and sworn to me before this 28th

of July, 2021;

Norma Najacht

NOTARY PUBLIC

MY COMMISSION EXPIRES: May 5, 2024



RECEIVED

AUG 12 2021

WATER RIGHTS
PROGRAM

NOTICE OF APPLICATION

NO. 2819-2 TO
APPROPRIATE WATER

Notice is given that Fall River Water Users District, C/o Keith Neugebauer, Manager, PO Box 321, Oral SD 57766 has filed an application for a water permit to appropriate 24.6 acre-feet of water annually at a maximum pump rate of 0.09 cubic feet of water per second from one well completed into the Inyan Kara Aquifer (70 feet deep) located in the SE 1/4 SW 1/4 Section 29-T7S-R6E. This well will serve as a backup and additional water supply during periods of peak demand. The rural water system serves users in Custer and Fall River Counties. This site is located approximately 2 miles southeast of Hot Springs SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2819-2 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 Ron Duvall 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 August 2, 2021.

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.

Published twice at an approximate cost of \$43.61.

7/21, 7/28

RECEIVED

JUL 26 2021

WATER RIGHTS
PROGRAM**PROOF OF PUBLICATION**STATE OF SOUTH DAKOTA)
County of FALL RIVER) SSI, SHERYL GRIMES

certify that the attached printed Notice was taken

from the FALL RIVER COUNTY
HERALD-STARprinted and published in HOT SPRINGS, S.D.County of FALL RIVER and

state of South Dakota. The notice was published

in the newspaper on the following date:

JULY 22, 2021Cost of Printing \$ 32.43Sheryl Grimes
(Signature)PRODUCTION MANAGER
(Title)7-22-21

(Date Signed)

Notice of Application No. 2819-2
to Appropriate Water

Notice is given that Fall River Water Users District, c/o Keith Neugebauer, Manager, PO Box 321, Oral SD 57766 has filed an application for a water permit to appropriate 24.6 acre-feet of water annually at a maximum pump rate of 0.09 cubic feet of water per second from one well completed into the Inyan Kara Aquifer (70 feet deep) located in the SE 1/4 SW 1/4 Section 29-T7S-R6E. This well will serve as a backup and additional water supply during periods of peak demand. The rural water system serves users in Custer and Fall River Counties. This site is located approximately 2 miles southeast of Hot Springs SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2819-2 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 Ron Duvall for this information, or other information, at the Water Rights Program address provided below.

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Published once at the total approximate cost of \$32.43

Published: July 22, 2021

*** Proof of Publication ***

STATE OF SOUTH DAKOTA)

County of Pennington)

SS:

FALL RIVER WATER USERS

PO BOX 321

ORAL, SD 57766

ORDER NUMBER 33662

The undersigned, being duly sworn, upon his/her oath says: That he/she is now and was at all time hereinafter mentioned, a clerk of the RAPID CITY JOURNAL, a corporation of Rapid City, South Dakota, 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 for at least one year prior to the first date of the published notice.

This affidavit is a true and corrected copy of notice which appeared

in said newspaper once each day for one
successive day, the first publication there of being on the
21 day of July, 20 21
Lacy Bressler

Section: Legal

Category: 0084 Water Permits

PUBLISHED ON: 07/21/2021

TOTAL AD COST: 49.69

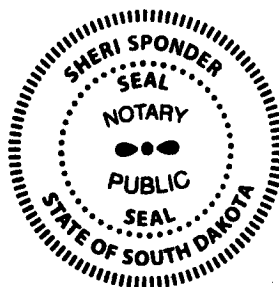
FILED ON: 7/21/2021

Subscribed and sworn to before me this

21st day of July, 20 21
Sheri Spender Notary Public

My commission expires

November 21, 20 25



July 21 L33662

NOTICE OF APPLICATION NO.

2819-2 to Appropriate Water

Notice is given that Fall River Water Users District, C/o Keith Neugebauer, Manager, PO Box 321, Oral SD 57766 has filed an application for a water permit to appropriate 24.6 acre-feet of water annually at a maximum pump rate of 0.09 cubic feet of water per second from one well completed into the Inyan Kara Aquifer (70 feet deep) located in the SE 1/4 SW 1/4 Section 29-T7S-R6E. This well will serve as a backup and additional water supply during periods of peak demand. The rural water system serves users in Custer and Fall River Counties. This site is located approximately 2 miles southeast of Hot Springs SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2819-2 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 Ron Duvall 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 August 2, 2021.

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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.

(Published one time at the approximate cost of \$49.69)

RECEIVED
JUL 23 2021
WATER RIGHTS
PROGRAM

Schlaak, Karen

From: Schlaak, Karen
Sent: Thursday, July 15, 2021 11:25 AM
To: Rapid City Journal (legals@rapidcityjournal.com)
Subject: 2819-2, Fall River Water Users District
Attachments: 2819-2public.short.docx; FORM8.FRM.doc

Attached is a notice to be published on July 21, 2021.

Fall River Water Users District, c/o Keith Neugebauer, Manager, PO Box 321, Oral SD 57766 (605 424-7648 ro 605 890-0434) 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

DANR - Water Rights Program
(605) 773-3352
Website: <https://danr.sd.gov>



Schlaak, Karen

From: Schlaak, Karen
Sent: Thursday, July 15, 2021 11:24 AM
To: ads.frcherald@gmail.com
Subject: 2819-2, Fall River Water Users District
Attachments: 2819-2public.short.docx; FORM8.FRM.doc

Attached is a notice to be published on July 21, 2021.

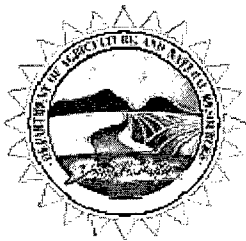
Fall River Water Users District, c/o Keith Neugebauer, Manager, PO Box 321, Oral SD 57766 (605 424-7648 ro 605 890-0434) has been notified to contact you to authorize publication and arrange for payment.

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

DANR - Water Rights Program
(605) 773-3352
Website: <https://danr.sd.gov>



Schlaak, Karen

From: Schlaak, Karen
Sent: Thursday, July 15, 2021 11:23 AM
To: 'custerchronicle@gwtc.net'
Subject: 2819-2, Fall River Water Users District
Attachments: 2819-2public.short.docx; FORM8.FRM.doc

Attached is a notice to be published on July 21, 2021.

Fall River Water Users District, c/o Keith Neugebauer, Manager, PO-Box-321, Oral SD 57766 (605 424-7648 ro 605 890-0434) 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

DANR - Water Rights Program
(605) 773-3352
Website: <https://danr.sd.gov>





**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

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

July 15, 2021

Fall River Water Users District
Keith Neugebauer, Manager
PO Box 321
Oral SD 57766

Dear Mr. Neugebauer:

Water Permit Application No. 2819-2 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:

Custer County Chronicle	673-2217
Fall River Co. Herald Star	745-3930
Rapid City Journal	394-8336

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 publishers have been instructed to publish your notice. The newspapers have 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,

Karen Schlaak

Karen Schlaak
Water Rights Program
(605) 773-3352

enclosures

NOTE: If you plan to contest any part of the Chief Engineer's recommendation, you must file a petition pursuant to the procedures outlined in the attached notice of hearing. The Water Management Board will then consider your concerns during a hearing on the application.

NOTICE OF APPLICATION NO. 2819-2 to Appropriate Water

Notice is given that Fall River Water Users District, C/o Keith Neugebauer, Manager, PO Box 321, Oral SD 57766 has filed an application for a water permit to appropriate 24.6 acre-feet of water annually at a maximum pump rate of 0.09 cubic feet of water per second from one well completed into the Inyan Kara Aquifer (70 feet deep) located in the SE 1/4 SW 1/4 Section 29-T7S-R6E. This well will serve as a backup and additional water supply during periods of peak demand. The rural water system serves users in Custer and Fall River Counties. This site is located approximately 2 miles southeast of Hot Springs SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2819-2 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 Ron Duvall 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 August 2, 2021.

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.

Published once at the total approximate cost of _

August 23, 2021

PAYMENT REQUEST FORM

PAYEE: Fall River Water Users District
c/o Keith Neugebauer
PO Box 321
Oral, SD

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

DESCRIPTION OF SERVICE, PRODUCE OR TRANSFER

Over Payment of Application/License Fee

AMOUNT: \$400.00

FUNDING SOURCE:

GENERAL: X

FEDERAL:

OTHER:

COMMENTS:

AUTHORIZATION: *Emi Mendenhall* 8/23/2021

I declare and affirm under the penalties of perjury that this claim is in all things, true and correct. I further agree to comply with the provisions of the Civil Rights Act of 1964 and regulations issued thereunder relating to nondiscrimination in federal assisted programs.



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

AUG 17 2021

Fall River Water Users District
c/o Keith Neugebauer
PO Box 321
Oral SD 57766

Dear Mr. Neugebauer:

Enclosed is Water Permit No. 2819-2 authorizing construction of the water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

An application/license filing fee of \$700.00 was submitted with the application. Based on the number of acres irrigated, the fee for this permit should be \$300.00. \$400.00 will be refunded to you. The refund check should be received in a few weeks.

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,

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

enclosures