

WATER PERMIT NO. 2830-2

Name of Applicant: Weinreis Brothers

Address: 230908 Highland Rd, Scottsbluff NE 69361

Phone: 308 220-3700

Amount of Water Claimed: 0.33 cfs – 240 AF

Total Acres: NA

Source of Water Supply: groundwater (2 wells)

Water to be used for: commercial

County: Fall River

Type of Waste Disposal System:

Location: 14 miles southeast of Edgemont

PRIORITY

Date Received: 10-4-21

Application/License Fee: \$ 950

Corrected Application Received:

Period of Annual Use: January 1 – December 31

Remarks: Cattle Feedlot

Diversion Point: SE 1/4 NW 1/4 Sec 27 and NE 1/4

SE 1/4 Sec 22; all in T10S-R4E

Land to be Irrigated: NA

Depth of Well: 1421 feet deep

Well Driller:

Remarks:

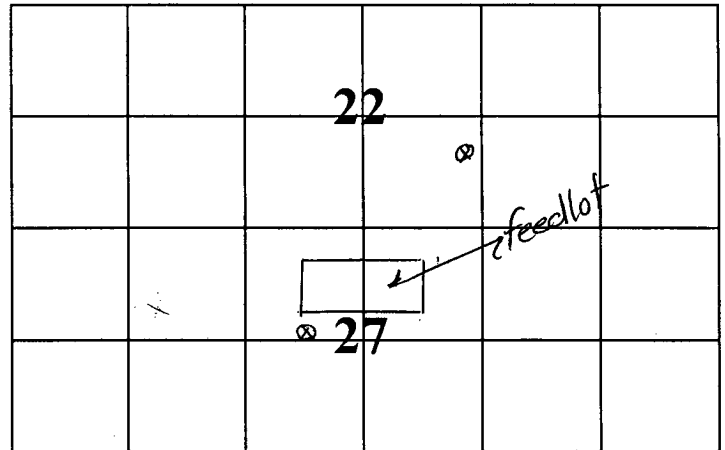
Type of Map: aerial

Prepared by:

Reviewed and the Number Assigned on: 10-4-21

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____



**SOUTH DAKOTA
WATER PERMIT NO. 2830-2**

Date of first receipt of application October 4, 2021.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 2830-2 to Weinreis Brothers, c/o Charles Weinreis, 230908 Highland Road, Scottsbluff NE 69361 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. 2830-2 appropriates 160 acre-feet of water annually at a maximum pump rate of 0.33 cubic feet of water per second from one existing well and one new well both completed into the Inyan Kara Aquifer (approximately 1,421 feet deep). The proposed well is to be located in the SE 1/4 NW 1/4 Section 27 and the existing well is located in the NE 1/4 SE 1/4 Section 22; all in T10S-R4E for commercial use in a cattle feedlot. The feedlot will be in the E 1/2 NW 1/4, W 1/2 NE 1/4 Section 27-T10S-R4E. This site is located approximately 14 miles southeast of Edgemont SD.
2. The water appropriated shall be used for the purpose of commercial use and may not exceed the amount of water needed for beneficial use.
3. The water is to be used during the following described annual period: January 1 – December 31.
4. The date from which applicant may claim right is October 4, 2021.
5. The date of approval of Permit No. 2830-2 is December 20, 2021.
6. One-fifth of the construction is to be completed on or before June 20, 2024.
7. All construction is to be completed on or before December 20, 2026.
8. Water is to be put to beneficial use on or before December 20, 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 wells approved under Water Permit No. 2830-2 will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner, under these Permits shall control withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The new well authorized by Permit No. 2830-2 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
3. Water Permit No. 2830-2 is subject to compliance with requirements of the Department's Water Pollution Control Permit issued pursuant to SDCL 34A-2-36 or 34A-2-36.2 or 34A-2-112 for concentrated animal feeding operations.

(continued)

4. Water Permit No. 2830-2 is subject to compliance with all existing and applicable Water Management Board Rules including but not limited to:
 - a) Chapter 74:54:01 Ground Water Quality Standards,
 - b) Chapter 74:54:02 Ground Water Discharge Permit,
 - c) Chapter 74:51:01 Surface Water Quality Standards,
 - d) Chapter 74:51:02 Uses Assigned to Lakes,
 - e) Chapter 74:51:03 Uses Assigned to Streams, and
 - f) Chapter 74:52:01 through 74:52:11 Surface Water Discharge Provisions
5. The Permit holder shall report to the Chief Engineer annually the amount of water withdrawn from the Inyan Kara aquifer.
6. Water Permit No. 2830-2 authorizes a total annual diversion of 160 acre feet of water.

WATER MANAGEMENT BOARD

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

1/13/2022
date



OCT - 4 2021

WATER RIGHTS
PROGRAM

PAID

OCT 4 2021

Ck# 27459

Mail to: DENR - Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	(office use only)	
	No. <u>2830-2</u>	Hydrologic Unit <u>10120108</u>
	Basin <u>Upper Cheyenne</u>	
	Newspaper <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 <u>Agricultural / Livestock</u>	

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 Weinreis Brothers

Mailing Address 230908 Highland Road Scottsbluff NE 69361
(Address) (City) (State) (Zip Code)

Phone (308) 220-3700 Mobile _____ Email chuck@cowtownusa.net

2. Amount of water claimed 0.33 *CFS or 150 **GPM and 160 ***AF or _____ Gallons
Flow rate and volume are both required. (*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use

3. Source of water supply Groundwater

4. Location of point of diversion 1 well in Sec. 22 & 1 well in Sec. 27, T-10S, R-4E 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? facility location: E 1/2 NW 1/4, W 1/2 NE 1/4 Sec 27-T10S-R4E
(example - NW1/4 section 12-T104N-R53W)

5. County or counties where water will be used Fall River County, SD6. 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)

Two wells (one new, one existing) will be utilized to supply water to a cattle feedlot. The new well will be located in SE 1/4 of NW 1/4, Sec. 27, T-10S, R-4E and the existing well is located in NE 1/4 of SE 1/4, Sec. 22, T-10S, R-4E. The feedlot is located in Sec. 27, T-10S, R-4E.

I, Charles Weinreis Partner, the applicant, certify under
Name of Person Title (if applicable)

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

Supplemental Information

(type or print)

1. Well Information (check one or both as applicable) ☒ Drilling new well(s) ☒ Using existing well(s)a) If new wells, how many 1 Have test holes been drilled ☐ Yes ☒ No Drilled by _____
(if yes, please provide copies of logs)b) If existing wells, how many 1 Provide copy of log(s), if available. Drilled by Tyvo, LLC

For either Existing or Proposed Wells:

c) Well Depth (required) 1421' Depth to Top of Water Bearing Material _____ Depth to Water from Surface 230'd) Distance to nearest domestic well on applicant's property 1 mile Property owned by others ~ 1 mile**2. Wastewater Disposal System Information**

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

b) System Capacity (gallons) _____ Year Constructed _____

c) Connected to the City of _____ Sanitary System

3. Dugout Information

a) Surface Dimensions _____ Depth _____

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

4. Water Storage Dams

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

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

b) Freeboard _____

c) Crest Width _____

Crest Length _____

d) Height _____

e) Primary Outlet Capacity _____

If pipe, diameter _____

f) Secondary Spillway Capacity _____

Spillway Width _____

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

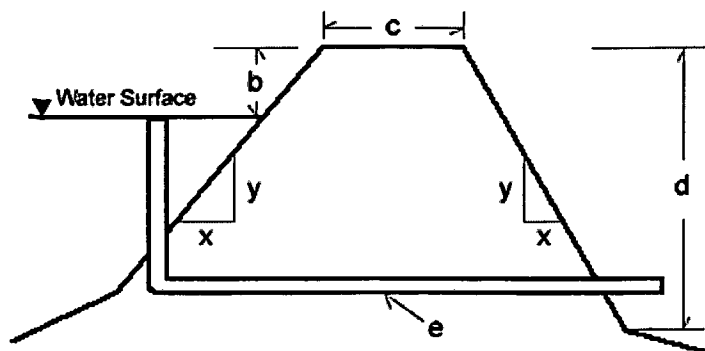
Upstream _____

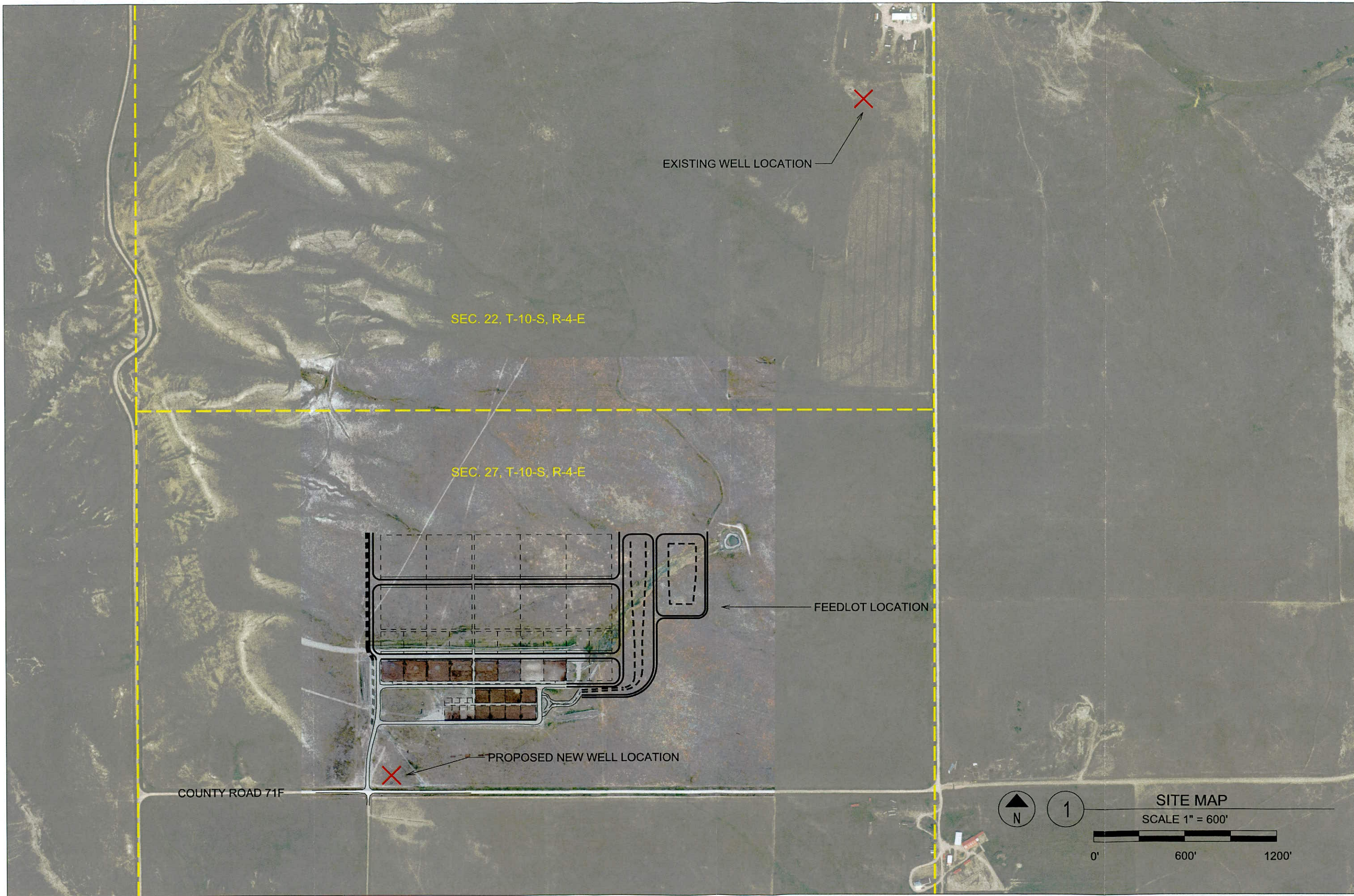
Downstream _____

h) Surface Area of Impoundment _____

i) Storage _____ Acre Feet

j) Drainage Area Above Dam _____ Acres





C-1	 Agri-Services & Engineering, Inc.	15460 NW 48th St. Raymond, NE 68428 Office: (402) 783-2100 Fax: (402) 783-2104 Web Site: www.settje.com	Hat Creek Ranch Sections 27, T-10-S, R-4-E Fall River County, South Dakota	Cattle Feedlot Site Map	Date Printed: 09/09/2021
					Rev.
					Date

10S 4E
Section: 16

10S 4E
Section: 15

10S 4E
Section: 14

10S 4E
Section: 21

10S 4E
Section: 22

10S 4E
Section: 23

10S 4E
Section: 28

10S 4E
Section: 27

10S 4E
Section: 26

10S 4E
Section: 33

10S 4E
Section: 34

10S 4E
Section: 35

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OCT - 4 2021

WATER RIGHTS
PROGRAM



**Agri-Services &
Engineering, Inc.**

15460 NW 48th St. | Raymond, NE 68428

P 402.783.2100 F 402.783.2104

September 9, 2021

SD DANR, Water Rights Program
523 East Capitol Avenue
Pierre, SD 57501-3182

Reference:

Application for Water Permit for Non-Irrigation Uses
Hat Creek Ranch
Sec. 27, T-10-S, R-4-E
Fall River County, SD

Mr. Eric Gronlund,

Please find enclosed an application for a water permit for non-irrigation uses for the facility referenced above. If you have any questions, please do not hesitate to contact our office.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Tony Zach", written in a cursive, flowing style.

Tony Zach

PO Box 500
Upton, WY 82730
Telephone: 307-686-1125
Fax: 307-686-1158

TYVO, LLC**Fax**

To: Ken Buhler Fax: 605 773-4068
From: Tim Barritt Pages: 05
Date: 1-11-05
If you have received this fax in error please notify sender. Thank You!

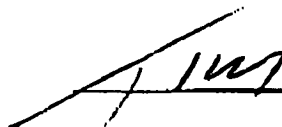
Ken :

I have included a section of the electric log FYI.
I also CALLED MR. WEINREIS (left message) for him
to call me. I still need his pump info for
my records for future reference.

I will send our copies of the other wells to you
via mail w/o owner signatures. I will contact
them again for their follow up.

AFTER VISITING WITH YOU THIS MORNING I WILL HAVE A
better method and just copy you originally with
the report even though it may not have owner's signature
YET.

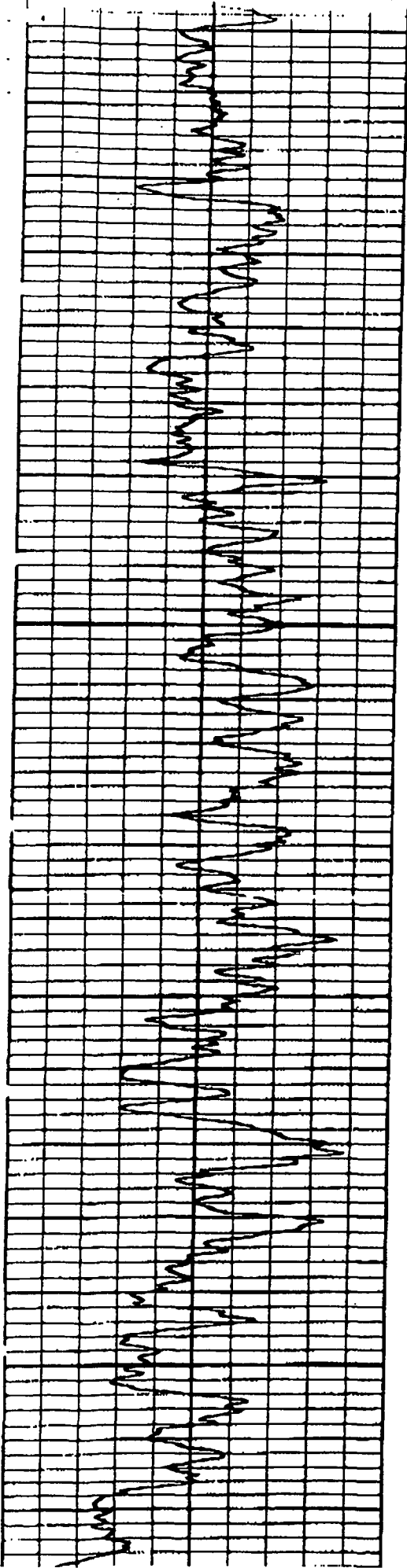
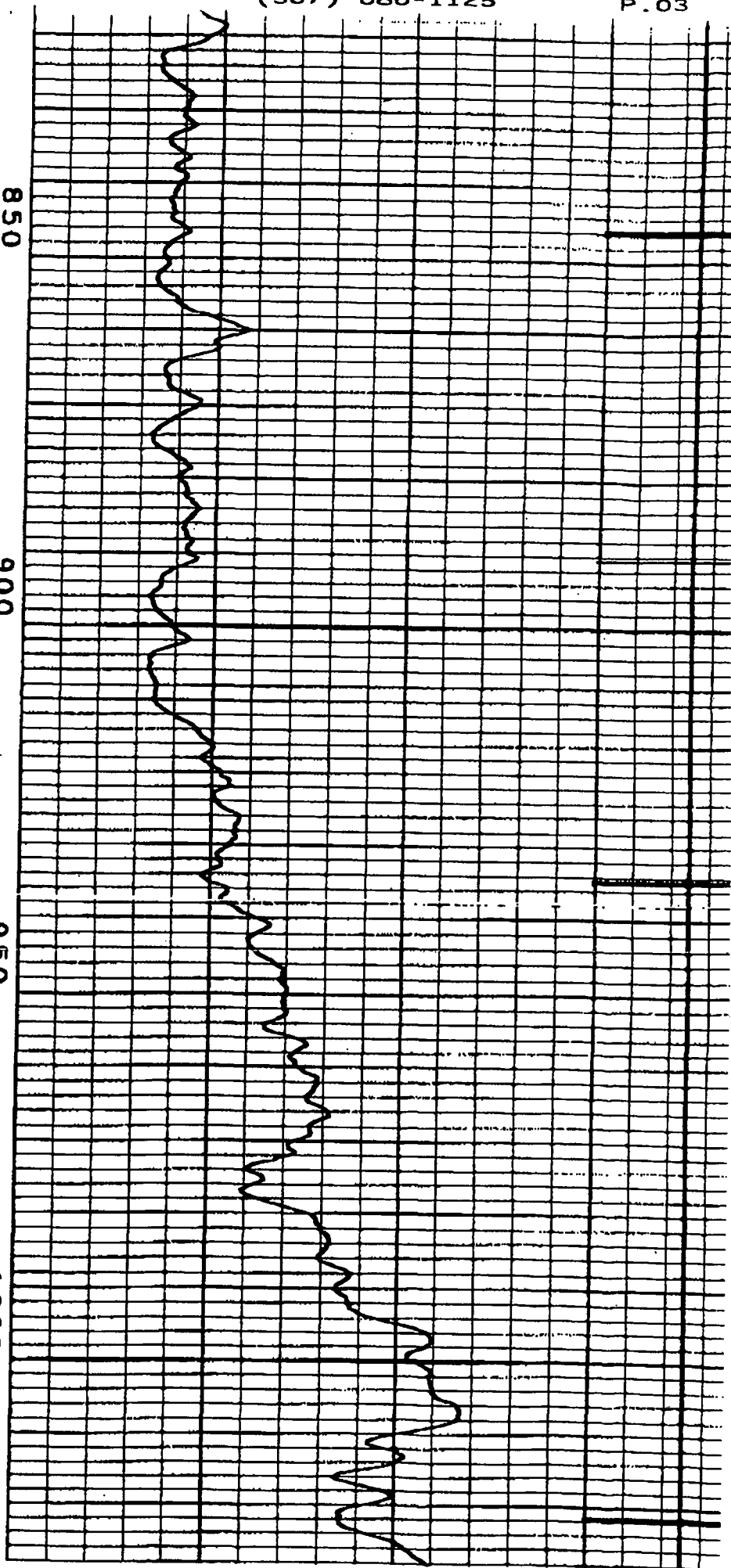
THANKS!

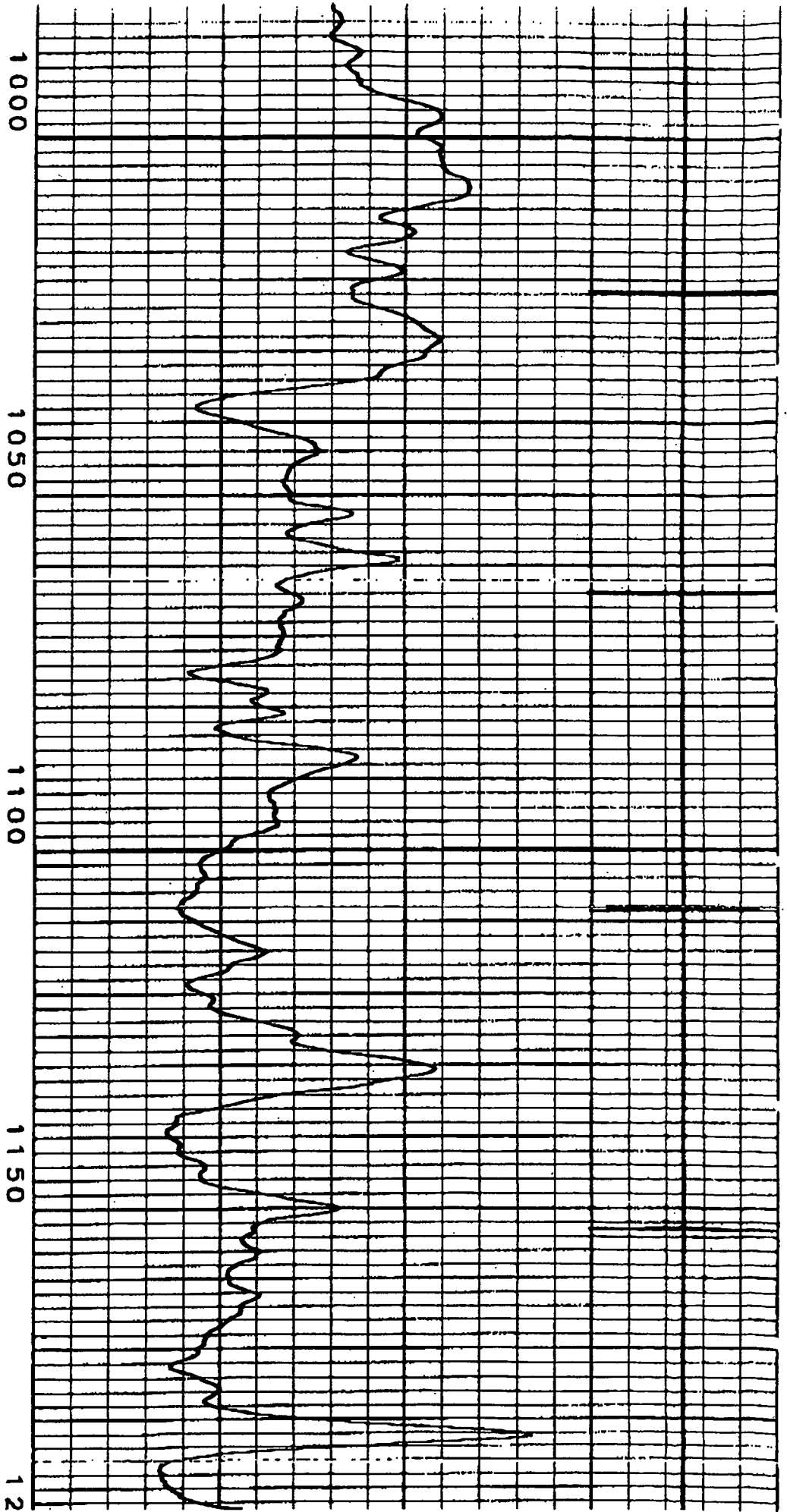
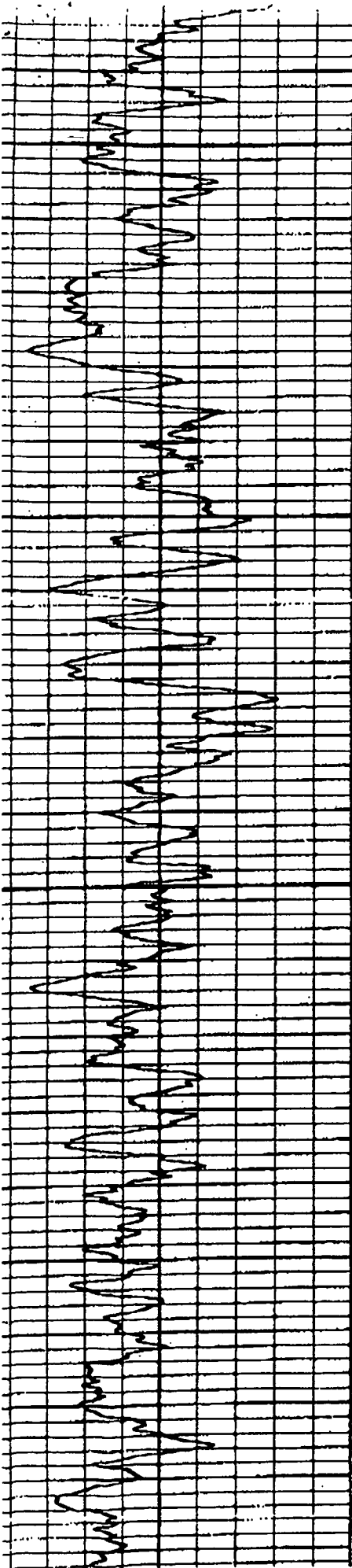


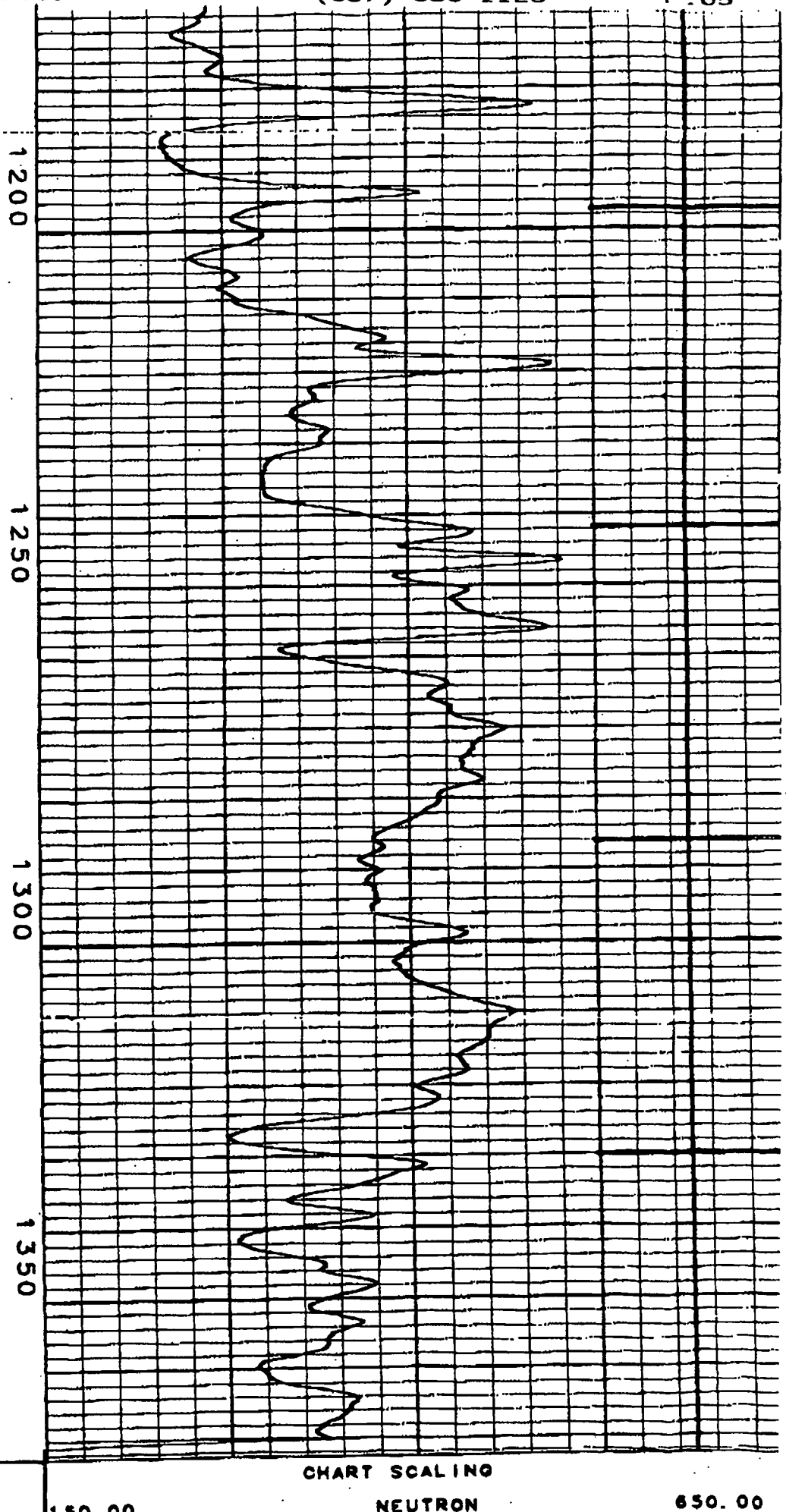
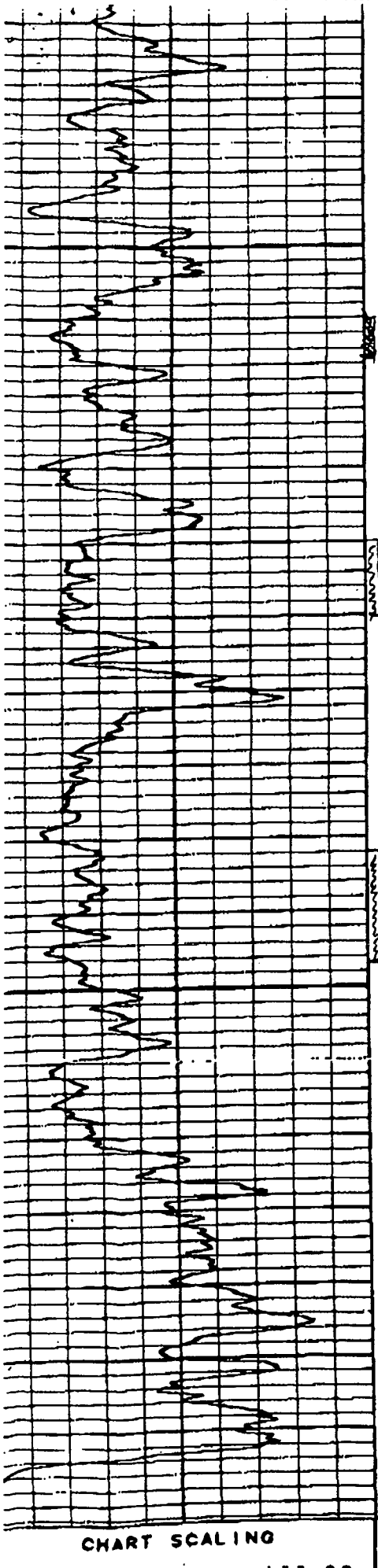
LOG

[illegible][illegible]

850 900 950 1000







SOUTH DAKOTA WATER WELL COMPLETION REPORT

07-92

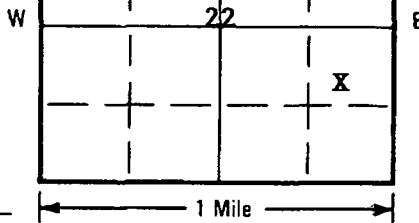
Location NE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec 22 Twp 10 Rg 04

County

North

Fall River

Please mark well location with an "X"



Well Completion Date

9-1-04

LOCATION:

Distance from nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)? _____ ft. from _____ (identify source).

PROPOSED USE:

- ☒ Domestic/Stock ☐ Municipal ☐ Business ☐ Test Holes
☐ Irrigation ☐ Industrial ☐ Institutional ☐ Monitoring well

METHOD OF DRILLING:

RotaryCASING DATA: ☒ Steel ☐ Plastic ☐ Other

If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
_____ LB/FT	<u>14</u> IN	<u>0</u> FT	<u>30</u> FT	<u>18</u> IN
_____ LB/FT	<u>9 5/8</u> IN	<u>0</u> FT	<u>1378</u> FT	<u>12 1/4</u> IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN

GROUTING DATA

Grout Type	No. of Sacks	Grout Weight	From	To
<u>"G"</u>	<u>575</u>	<u>15.8</u> lb./gal	<u>0</u> ft	<u>1378</u> ft
_____	_____	_____ lb./gal	_____ ft	_____ ft

Describe grouting procedure Pressure MethodSCREEN: ☒ Perforated pipe ☐ ManufacturedDiameter 9 5/8 IN Length _____ FEETMaterial 36# J-55

Slot Size _____ Set From _____ Feet to _____ Feet

Other information Jet Perforated 90 gram 1 SPF1210 - 15; 1240 - 50; 1282 - 97 (60 Shots)WAS A PACKER OR SEAL USED? ☐ YES ☒ NO

If so, what material? _____

Describe packer(s) and location? _____

DISINFECTION: Was well disinfected upon completion?

☒ YES, How: Chlorox

Laboratory sent to for water quality analysis _____ NO, Why Not? _____

Well Owner: Chuck Weinreis

Business Name: _____

Address: Box 367Minatare, NE 69356

WELL LOG:

DEPTH

FORMATION	DEPTH	
	FROM	TO
<u>Muddy</u>	<u>680</u>	
<u>Inyan Kara</u>	<u>950</u>	
<u>Lakota</u>	<u>1175</u>	
<u>See Electric Logs</u>		

STATIC WATER LEVEL _____ 230 Feet

If flowing: closed in pressure _____ PSI

GPM flow _____ through _____ inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other _____

Reduced Flowrate _____ GPM

Can well be completely shut in? _____

WELL TEST DATA:

☐ PumpedDescribe: Air Lift☐ Bailed25 gpm From 1200☒ Other _____

Pumping Level Below Land Surface

_____ ft. After _____ Hrs. pumped _____ GPM

_____ ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate _____ GPM

REMARKS

This well was drilled under license # 205

And this report is true and accurate.

Drilling firm Tyvo, LLC

Signature of License Representative: _____

Signature of Well Owner or Equitable Property Holder: _____

Date: 1-13-05

RECEIVED
JAN 13 2005
WATER DIVISION
PRCS

922 E. Log

RECEIPT

WATER RIGHTS PROGRAM South Dakota Department of Agriculture and Natural Resources

Date October 4, 2021

RECEIVED OF Settje Agri-Services & Engineering/Weinreis Brothers 15460 NW 48th St., Raymond NE 68428

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

Fee for Application for Permit No. <u>2830-2</u> to Appropriate Water, to construct and to put water to beneficial use	\$ <u>750.00</u>
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>2830-2</u>	\$ <u>200.00</u>
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	\$ <u>950.00</u>

By Eric Gronlund
Chief Engineer
vm

Water Rights Program - File Documentation

NAME: Tony Zach, Settje Engineering

ADDRESS:

DATE: 10-8-21

RE: Pending application for Weinreis Brothers

COMMENTS:

Tony Zach clarified that the application is requesting 150 gpm and 240 acre-feet and that is from both wells combined.

Mr. Zach also clarified that the proposed new well will be approximately the same depth as the existing well.



Karen Schlaak
Water Rights Program



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

File No. 2830-2

WATER RIGHTS PROGRAM -- FILE DOCUMENTATION

NAME: Weinreis Brothers – spoke to Tony Zach w/Settje Agri-Services & Engineering Inc.

DATE: November 23, 2021

tzach@settje.com

RE: Water Permit Application No. 2830-2

COMMENTS:

I spoke with the engineering consultant for Weinreis Brothers, Tony Zach with Settje, concerning the volume of water specified on the water permit application for the feedlot. I informed Mr. Zach that the 240 acre-feet volume specified on the application represented continuous, year-round, pumping at the 0.33 cubic feet of water per second pump rate included on the application. I asked Mr. Zach to identify a volume that represented use at the upper end of spectrum but that was also realistically needed for the feedlot. Mr. Zach asked me to change the 240 acre-feet specified on the application to 160 acre-feet annually.

I told Mr. Zach that we would make the change as requested. Mr. Zach also indicated that he would like a copy of the publication mailing sent to the applicant also sent to him.

Ron Duvall
Water Rights Permitting Administrator
Water Rights Program

NOTE: The reduced volume does not affect the amount of application fee remitted with the application.

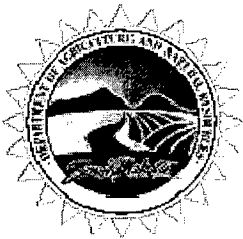
Schlaak, Karen

From: Schlaak, Karen
Sent: Tuesday, November 30, 2021 10:08 AM
To: chuck@cowtownusa.net
Cc: tzach@settje.com
Subject: Water Permit Application No. 2830-2
Attachments: 2274.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 paper(s) as soon as possible to authorize publication and arrange for payment. This information is being mailed to you today.

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

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 2830-2, Weinreis Brothers**

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. 2830-2, Weinreis Brothers, c/o Charles Weinreis, 230908 Highland Road, Scottsbluff NE 69361.

The Chief Engineer is recommending APPROVAL of Application No. 2830-2 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 domestic water uses and water rights, 3) the proposed use is a beneficial use and 4) it is in the public interest as it pertains to matters of public interest within the regulatory authority of the Water Management Board with the following qualifications:

1. The wells approved under Water Permit No. 2830-2 will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner, under these Permits shall control withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The new well authorized by Permit No. 2830-2 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
3. Water Permit No. 2830-2 is subject to compliance with requirements of the Department's Water Pollution Control Permit issued pursuant to SDCL 34A-2-36 or 34A-2-36.2 or 34A-2-112 for concentrated animal feeding operations.
4. Water Permit No. 2830-2 is subject to compliance with all existing and applicable Water Management Board Rules including but not limited to:
 - a) Chapter 74:54:01 Ground Water Quality Standards,
 - b) Chapter 74:54:02 Ground Water Discharge Permit,
 - c) Chapter 74:51:01 Surface Water Quality Standards,
 - d) Chapter 74:51:02 Uses Assigned to Lakes,
 - e) Chapter 74:51:03 Uses Assigned to Streams, and
 - f) Chapter 74:52:01 through 74:52:11 Surface Water Discharge Provisions

(continued)

5. The Permit holder shall report to the Chief Engineer annually the amount of water withdrawn from the Inyan Kara aquifer.
6. Water Permit No. 2830-2 authorizes a total annual diversion of 160 acre feet of water.

See report on application for additional information.



Eric Gronlund, Chief Engineer

November 30, 2021

NOTE: Please note as stated in qualification No. 2 that the well must be constructed in compliance with South Dakota Well Construction Standards, specifically Administrative Rules of South Dakota Chapter 74:02:04:28. The alternative construction of certain Inyan Kara wells for domestic use allowed under ARSD 74:02:04:36 is NOT applicable to the new well to be drilled if this application is approved. Please see "Special Consideration: Adequate Wells Required" on page 7 of the report.

**Report to the Chief Engineer on
Water Permit Application No. 2830-2**

Weinreis Brothers
27 October 2021

Water Permit Application No. 2830-2 proposes to appropriate 160 acre-feet of water per year (ac-ft/yr) at a maximum instantaneous withdrawal rate of 0.33 cubic feet of water per second (cfs), or approximately 150 gallons per minute (gpm) from one new well and one existing well completed into the Inyan Kara aquifer (approximately 1,421 feet deep). The proposed well is to be located in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 27 and the existing well is located in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 22; all in T10S-R4E Black Hills Meridian for commercial use in a cattle feedlot. The feedlot will be in the E $\frac{1}{2}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$ Section 27-T10S-R4E. The site is located approximately 14 miles southeast of Edgemont, South Dakota.

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 the 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 of South Dakota west of the Missouri River and also extends east of the Missouri River [3]. 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 behaves as a relatively impermeable barrier between the Inyan Kara and the Dakota aquifers [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 behaves as a relatively impermeable barrier between the Inyan Kara aquifer and the aquifers below it [6]. There are several structures in the Inyan Kara Group which may affect the hydrology in the area of this application. This application sits above the Chilson Anticline, which has relatively symmetrical slopes [7]. The Cascade Anticline extends southeast from the Black Hills approximately six to 10 miles east of this application. The western slope of the Cascade Anticline is "nearly vertical" [7], to the extent that Keene [7] indicates there may be some faulting along the Cascade Anticline. Approximately 16 miles west of this application is the Cottonwood Anticline, which descends southwest from Edgemont [7].

The applicant submitted a well completion report and electric log of the existing well for this application, which was completed on September 1, 2004. The driller reported encountering the top of the Muddy Sandstone (an informal formation name for the Newcastle Sandstone [8]) at 680 feet below grade, the top of the Inyan Kara Group at 950 feet below grade, and the top of the Lakota Formation at 1,175 feet below grade. The driller determined these formations based on the electric logs provided. The static water level at the time of drilling was 230 feet below grade.

Based on land surface elevation data [9], the water level elevation at the time the well was completed was approximately 3,200 feet above the National Geodetic Vertical Datum of 1929 (NGVD29).

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 domestic water uses and water rights, and that the proposed use is a beneficial use and in the public interest as it pertains to matters of public interest within the regulatory authority of the Water Management Board. This report will only assess the availability of water and possibility of developing this application without unlawful impairment of existing domestic water uses and 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 Inyan Kara aquifer is older and stratigraphically lower than the Greenhorn Formation. However, the applicant is not a water distribution system as defined in SDCL 46-1-6(17). Therefore, it is necessary to find that recharge exceeds withdrawals to approve this application.

Availability of Water

Hydrologic Budget

Recharge

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 hydraulic head in the Inyan Kara aquifer is less than the hydraulic head of the aquifers with which it contacts [7]. There is no estimate of the total recharge to the Inyan Kara aquifer available from a single report. Driscoll and Carter [10] estimated that the recharge to the Inyan Kara outcrop in the Black Hills area of South Dakota is 11,600 ac-ft/yr. Bredehoeft, Neuzil, and Milly [11] 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 [11], which is the only available estimate of recharge to the Inyan Kara aquifer from lower aquifers.

Discharge

Discharge from the Inyan Kara aquifer is by evapotranspiration on the outcrops when the hydraulic head and formation of the aquifer is near land surface, seepage to surface water features when hydraulic head of the aquifer is above the stage of the surface water features the aquifer is hydrologically connected to, groundwater outflow to aquifers in contact with the Inyan

Kara aquifer, uncontrolled flowing wells, and domestic and appropriative well withdrawals [7] [10] [12]. 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 hydrologic budget. There are 206 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 [12].

Of the 206 water rights/permits authorized to withdraw, 113 are primarily for some kind of water distribution system (such as a rural water system, suburban housing development, or municipal use, etc.), 54 are for commercial use, 18 for irrigation, 10 for industrial use, 5 for fish and wildlife propagation, 3 for geothermal use, 2 for recreation, and 1 for institutional use [12]. Eleven 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 [12]. Figure 1 shows a graph of reported irrigation over the entire period of record (1982-2020) [13]. Average irrigation reported over the period of record (1982-2020) was approximately 80 ac-ft/yr [13]. 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 [13]. There are seven irrigation permits, accounting for 196 acres, where the permit either does not require an annual report or the permit is too new to have reported irrigation [12]. 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 [12]. Assuming the other six 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 1,282 ac-ft/yr. The total estimated withdrawal for irrigation is 1,413 ac-ft/yr using the 2011 through 2020 average withdrawal rate.

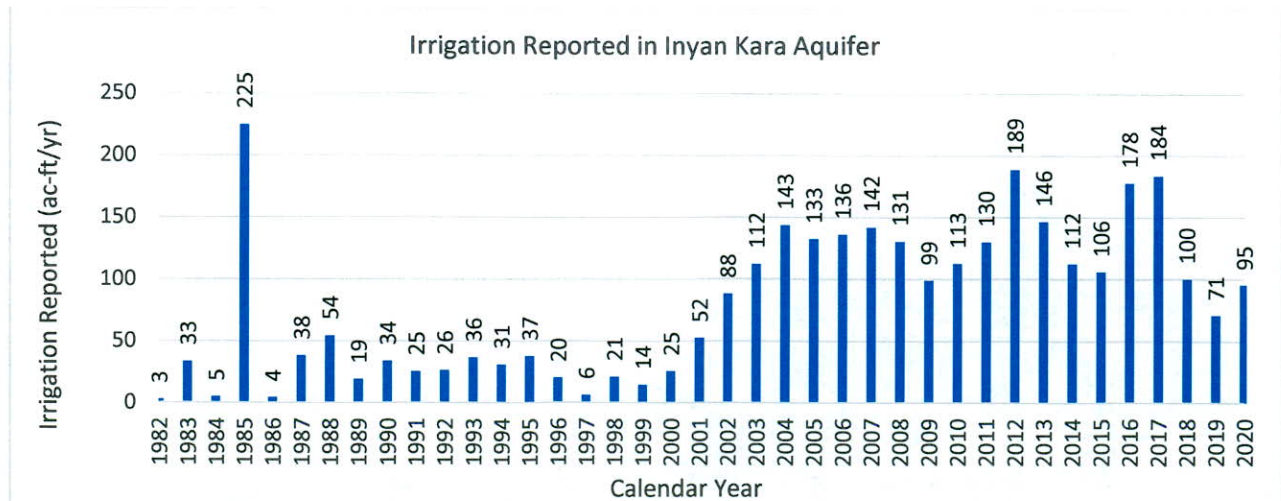


Figure 1: Irrigation reported in the Inyan Kara aquifer [13]

Of the non-irrigation withdrawals, 11 municipal water rights/permits are only maintained for emergency use (see Appendix Table 2 on pg. 8) [14] [15]. Those water rights/permits are assumed to withdraw a negligible amount of water.

There are 35 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 [12] [16]. 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, they are assumed to pump at their maximum instantaneous diversion rate 60% of the time. 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, 15.9 ac-ft in 2019, and 25.5 ac-ft in 2020 [16] [17]. Representative Wink indicated to Water Rights staff that the meter reading in his latest non-irrigation questionnaire response was for the entire time the well for his water rights had been in operation and he also reported that the meter reading for his well was over 106 million gallons on November 6, 2021 [17]. His earliest water right/permit was approved in 2006 [12], so his average annual withdrawal is approximately 21.7 ac-ft/yr for the 15 years Wink Cattle Company has had a water right/permit. Appendix Table 3 (pg. 9) shows the non-irrigation water rights/permits required to report their withdrawals. The total estimated withdrawal for non-irrigation water rights/permits required to report is 3,311 ac-ft/yr.

There are five non-irrigation water rights/permits not required to report that have a volume limit specified in their permit [12]. Those water rights/permits are assumed to withdraw their full specified volume, for a total withdrawal of 193 ac-ft/yr.

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 [18] [19]. 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. 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 at the maximum amount of water licensed/permitted. Appendix Table 4 (pg. 10) 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 [12]. They are conservatively assumed to withdraw at their maximum instantaneous diversion rate 60% of the time, for a withdrawal of 8,966 ac-ft/yr. The total estimated annual withdrawal of all water rights/permits currently authorized to withdraw is 14,973 ac-ft/yr. Including the application held in abeyance and the future use permit, the total estimated appropriation from the Inyan Kara aquifer is 15,389 ac-ft/yr.

Balance of Hydrologic Budget

The estimated recharge to the Inyan Kara aquifer in South Dakota is approximately 27,600 ac-ft/yr [10] [11]. Table 1 (pg. 5) summarizes the withdrawals discussed in the Discharge section of this report. The total estimated appropriation including one application held in abeyance and one future use permit is 15,389 ac-ft/yr. The application, if approved, may withdraw up to 160 ac-ft/yr. Therefore, based on the hydrologic budget, there is reasonable probability unappropriated water is available for this application.

Table 1: Summary of withdrawals and appropriations

Type	No. permits	Est. Withdrawal (ac-ft/yr)
Irrigation, Reporting	11	131
Irrigation, not reporting	7	1,282
Standby	11	0
Non-irrigation, reporting	35	3,311
Non-irrigation, not reporting, volume limited	5	193
CAFO, non-reporting, limited by diversion rate	14	1,089
All others, limited by max. diversion rate	123	8,966
<i>Subtotal (currently permitted to withdraw)</i>	<i>206</i>	<i>14,973</i>
Held in abeyance	1	274
Future use	1	142
Grand Total	208	15,389

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 that recharge to an aquifer exceeds withdrawals. The Water Rights Program maintains nine observation wells completed into the Inyan Kara aquifer [4]. Eight of those nine are located in or around the Black Hills [4]. The nearest Water Rights observation well to this application that is completed into the Inyan Kara aquifer is Observation Well FR-95C, located approximately 15 miles northeast of this application [4]. Based on the water level elevation at that observation well, the potentiometric surface maps available [20], and the presence of the Cascade Anticline between this application and Observation Well FR-95C [7], the water levels in Observation Well FR-95C may not reflect the exact conditions of the Inyan Kara aquifer near this application. Figure 2 (pg. 6) shows observation well water levels for all Water Rights Program observation wells completed into the Inyan Kara aquifer in or around the Black Hills [4]. In general, water levels show a level trend, except Observation Well PE-95B, which has a slightly increasing trend and FR-95C which had an increasing trend from 1995 to approximately 2005 and has remained approximately level since. Observation Wells MD-99A, MD-89A, and PE-95E show fluctuations during the year due to seasonal withdrawals. Observation Well MD-99A may flow at land surface when pressure in the aquifer is high enough and has had some problems with leakage, so some readings from that well may not be reflective of the aquifer [4]. All the observation wells are under confined conditions [4], which means that the water level in the well represents the hydraulic head in the aquifer, not the amount of water in the aquifer. Since the hydraulic head has remained mostly level over time even as appropriations from the Inyan Kara aquifer increase, it is likely the Inyan Kara aquifer is inducing recharge from aquifers that underly it and are in contact with it or the recharge rates have been underestimated, which is keeping withdrawals less than recharge in the aquifer. Therefore, based on observation well analysis, there is reasonable probability unappropriated water is available for this application.

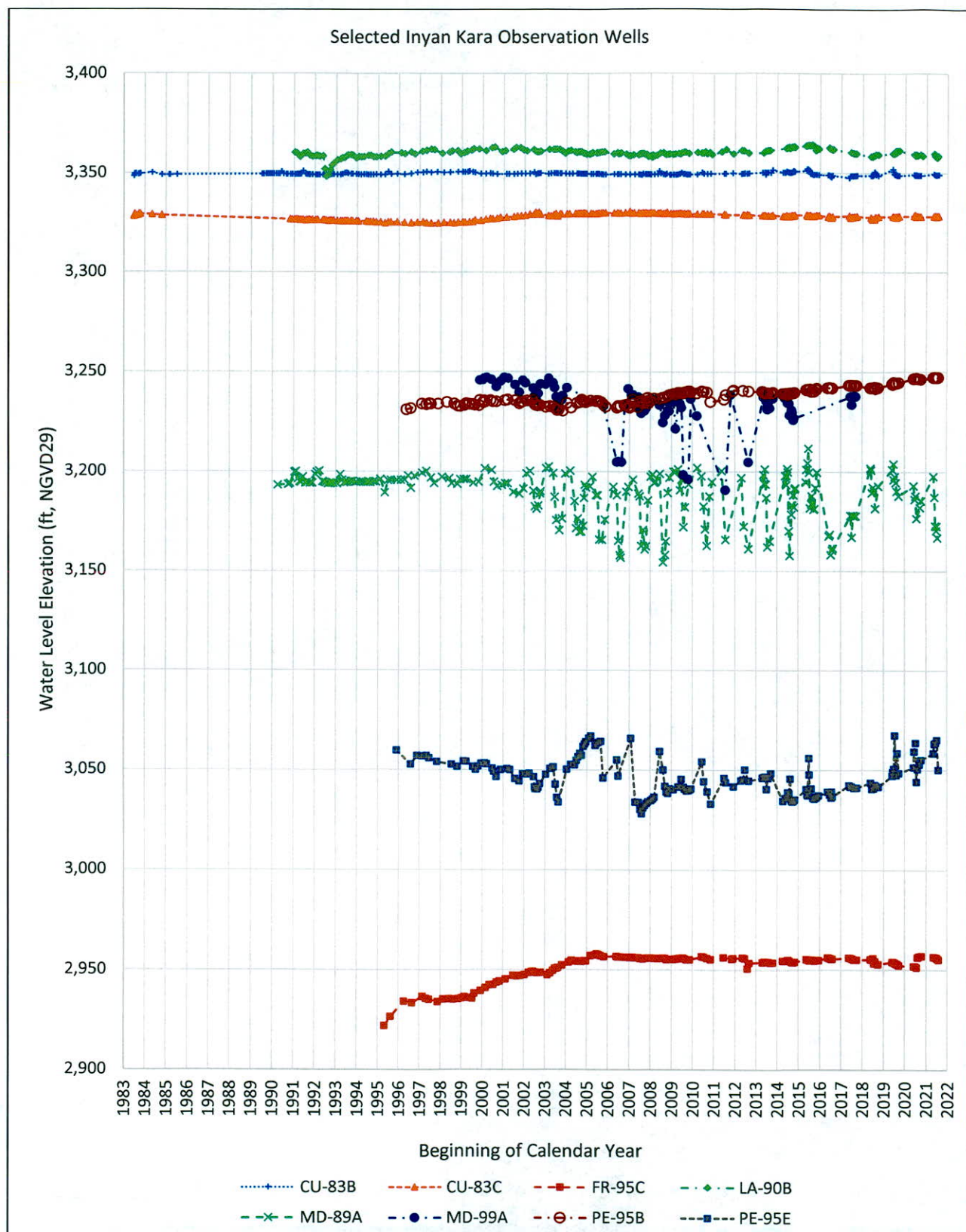


Figure 2: Water Rights Program observation wells completed into the Inyan Kara aquifer in and around the Black Hills [4]

Possibility of Unlawful Impairment of Existing Water Rights

The nearest water right/permit to this application that withdraws from the Inyan Kara aquifer is Water Right No. 2626-2, located approximately 10 miles north of this application (see Appendix Figure 3 and Table 5, p. 11) [12]. The nearest domestic well to this application on file with the Water Rights Program that is completed into the Inyan Kara aquifer is located approximately 4 miles west of the proposed well and 5 miles west of the existing well for this application [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 an adequate 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

Some drawdown from pumping for this application is likely to occur. In order to place the waters of the state to maximum beneficial use, the Water Management Board determined in the hearing on Water Permit Application No. 2313-2 for the Coca-Cola Bottling Company that hydraulic head in an aquifer is not protected as a means of water delivery [21]. Therefore, nearby well owners may be required to lower their pumps. There were 720 feet of hydraulic head above the formation in the aquifer when the applicant's first well was drilled in 2004. There are no complaints on file regarding well interference in Fall River County [22]. Therefore, based on the level of hydraulic head in the aquifer, lack of complaints, and distance from this application to nearby wells on file, there is reasonable probability this application can be developed without unlawful impairment of existing water rights/permits or domestic wells.

Special Consideration: Adequate Wells Required

The Well Construction Standards (ARSD 74:02:04:36) allow for alternative construction of certain Inyan Kara wells for domestic use which are not adequate wells under ARSD 74:02:04:20(6). The existing well completed for this application is an adequate well since it has 9.625-inch casing through the producing formation and is grouted bottom to top. Because this application is for stock watering at a diversion rate greater than the statutory definition of reasonable domestic use, any wells completed to meet the requested diversion rate must be adequate wells and **cannot** be constructed using the alternative construction method described in ARSD 74:02:04:36.

Conclusions

1. Water Permit Application No. 2830-2 seeks to appropriate 160 acre-feet of water per year (ac-ft/yr) at a maximum instantaneous withdrawal rate of 0.33 cubic feet of water per second from one new well and one existing well completed into the Inyan Kara aquifer. The proposed well is to be located in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 27 and the existing well is located in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 22; all in T10S-R4E Black Hills Meridian for

Report on Water Permit App. No. 2830-2

commercial use in a cattle feedlot. The feedlot will be in the E ½ NW ¼, W ½ NE ¼ Section 27-T10S-R4E.

2. Based on the hydrologic budget 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/permits or domestic wells.



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Natural Resources Engineer II – DANR Water Rights Program

Appendix: Additional Tables and Figures

Table 2: Water rights/permits on standby [14] [1]

Permit No.	Status	Name/Business	Priority Date	Use Type	Max. Diversion Rate (cfs)	County
1198-3	License	Town of Mound City	04/14/1965	MUN	0.17	Campbell
1360-2	License	Aladdin Investments Inc	04/01/1976	SHD, COM	0.15	Pennington
1647-2	License	Town of Quinn	09/21/1978	MUN	0.2	Pennington
1712-3	License	City of Ipswich	01/01/1919	MUN	0.19	Edmunds
1975-3	License	William Coady	03/07/1973	SHD	0.34	Brown
2224-3	License	Sunshine Acres Water Sys	03/05/1975	SHD	0.22	Hughes
2263-2	License	Town of Belvidere	03/02/1993	MUN	0.17	Jackson
2279-3	License	Camelot Land	05/08/1975	SHD	0.22	Hughes
473-1	License	Town of Fruitdale	06/09/1960	MUN	1	Butte
595-3	License	City of Onida	04/08/1959	MUN	1.11	Sully
6735-3	License	City of Eureka	07/12/1960	MUN, REC	1.48	McPherson
COM – Commercial, MUN – Municipal, REC – Recreational, SHD – Suburban Housing Development						

Table 3: Non-irrigation water rights/permits required to report [12] [16]

Permit No:	Status:	Name/Business:	County:	Type of use:	Priority Date:	Max. CFS	Est. Use (ac-ft/yr)
8299-3	Permit	Aberdeen Energy LLC	ED	IND	09/28/2018	1.330	968.0 ^V
8197-3	Permit	Aberdeen Farm LLC	BN	COM	01/29/2016	0.160	72.1 ^V
1903-1	License	Castle Rock Group	BU	DOM	05/19/2009	0.110	15.5 ^A
1906-1	License	City of Sturgis	MD	MUN	08/21/2009	0.222	2.2 ^A
1958-1	License	City of Sturgis	MD	MUN	04/11/2016	0.088	
2596-2	License	City of Wall	PE	MUN	07/24/2006	0.600	145.6 ^A
1983-1	Permit	Continental Resources	HR	IND	07/10/2018	0.500	360.0 ^V
1846-1	License	Dennis Or Anna Mae Beckham	MD	SHD, DOM	05/26/2005	0.100	2.4 ^A
1996-1	Permit	Dylan Gingras	MD	SHD	04/14/2020	0.133	48.0 ^V
1920-1	License	Elk Valley Ranchettes Homeowners Assn	MD	SHD	01/24/2011	0.100	7.3 ^A
2635-2	License	Fall River Water Users District	FR	SHD, DOM	07/17/2008	0.100	2.6 ^A
2819-2	Permit	Fall River Water Users District	FR	RWS	06/01/2021	0.090	24.6 ^V
1826-1	License	Golden Valley Water Company LLC	MD	SHD	09/01/2004	0.267	15.9 ^A
2601-2	License	Grandview Land LLC	PE	SHD	09/01/2006	0.330	1.4 ^A
1837-1	License	Guy Mann	MD	SHD	02/28/2005	0.220	1.2 ^A
1645-2	License	Hermosa Water Users Assn	CU	RWS	08/17/1978	0.600	158.0 ^A
2538-2	Permit	JKRK Properties LLC	PE	SHD	08/30/2004	0.244	12.8 ^A
1989-1	Permit	Luff Exploration Company	HR	IND	04/09/2019	0.100	58.8 ^V
2622-2	License	Owanka Rural Water Association Inc	PE	RWS	10/09/2007	0.390	16.7 ^A
1999-1	Permit	Rafter Properties LLC	MD	SHD	07/23/2020	0.170	74.0 ^V
2543-2	License	Southern Black Hills Water System	PE	SHD	09/30/2004	0.190	13.0 ^A
2752-2	Permit	Southern Black Hills Water System	CU	RWS	04/25/2016	0.330	170.0 ^V
2752A-2	Permit	Southern Black Hills Water System*	CU	RWS	04/25/2016	0.000	0.0 ^V
2550-2	License	Town of Hermosa	CU	MUN	01/25/2005	0.220	45.8 ^A
1968-1	Permit	Venekamps LLC	MD	SHD	04/27/2017	0.110	29.0 ^V
1874-1	License	Viewfield Rural Water Assoc Inc	MD	RWS	01/03/2007	0.212	36.7 ^A
1898-1	License	Viewfield Rural Water Assoc Inc	MD	RWS	11/14/2007	0.394	
8420-3	Permit	Vogel Farms PTR	FA	GEO	01/28/2020	0.120	88.7 ^V
2464-2	License	West River Lyman Jones	PE	RWS	07/26/2001	0.760	433.6 ^A
2465-2	License	West River Lyman Jones	PE	RWS	07/26/2001	1.000	
2797-2	Permit	West River Lyman Jones RWS	PE	RWS	04/01/2019	1.000	455.0 ^V
2778-2	Permit	Western Construction Inc	PE	COM, IND	11/13/2017	0.170	31.0 ^V
1855-1	License	Wink Cattle Co	MD	COM, DOM	01/26/2006	0.087	21.7 ^A
1975-1	Permit	Wink Cattle Co	MD	COM, DOM	02/20/2018	0.069	
1975A-1	Permit	Wink Cattle Co **	MD	COM, DOM	12/03/2018	0.000	
Total							3,311

* Added time to construct previous permit

** Permitted additional types of use

A – Average reported use, V – Volume limit permitted/licensed

BN – Brown, BU – Butte, CU – Custer, ED – Edmunds, FA – Faulk, FR – Fall River, HR – Harding, MD – Meade, PE – Pennington

COM – Commercial, DOM – Domestic, GEO – Geothermal, IND – Industrial, MUN – Municipal, RWS – Rural Water System, SHD –

Suburban Housing Development

Table 4: Non-irrigation permits not required to report that are associated with a permitted CAFO [18] [19] [12]

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

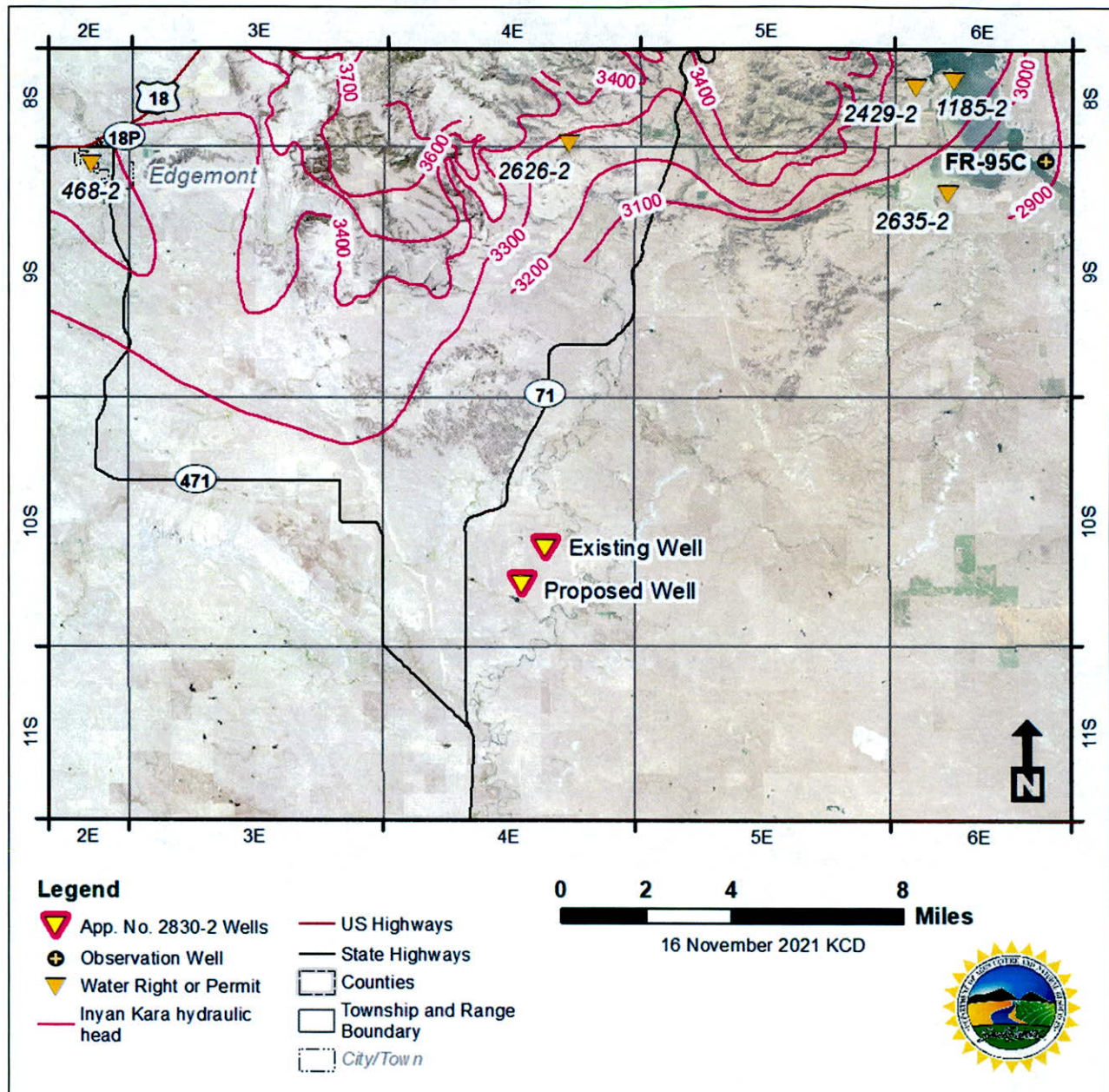


Figure 3: Existing and proposed wells for this application, nearby Inyan Kara water rights/permits [12] and observation wells [4], and Inyan Kara hydraulic head in feet above NGVD29 [20].

Table 5: Water rights/permits shown in Figure 3 [12]

Permit	Name/Business	Priority	Status	Use	CFS	Irrigation Acres
468-2	City of Edgemont	1957-12-11	LC	MUN	0.200	N/A
1185-2	Angostura Water Association	1974-06-17	LC	SHD	0.090	N/A
2429-2	Sheps Canyon Cove LLP	1999-09-09	LC	SHD	0.089	N/A
2626-2	IRAM	2008-01-30	LC	IRR	0.029	8.0
2635-2	Fall River Water Users District	2008-07-17	LC	SHD, DOM	0.100	N/A

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WATER RIGHTS
PROGRAM

ORDER NUMBER 39687

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

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successive day the first publication there of being on the

9 day of December, 20 21

Section: Legal

Category: 0072 Public Notices

PUBLISHED ON: 12/09/2021

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FILED ON: 12/9/2021

Subscribed and sworn to before me this

9 day of December, 20 21

Karise Carmichael Notary Public

My commission expires

May 18, 20 27

Dec 9 L39687

NOTICE OF APPLICATION NO.

2830-2 to Appropriate Water

Notice is given that Weinreis Brothers, c/o Charles Weinreis, 230908 Highland Road, Scottsbluff NE 69361 has filed an application for a water permit to appropriate 160 acre-feet of water annually at a maximum pump rate of 0.33 cubic feet of water per second from one existing well and one new well both completed into the Inyan Kara Aquifer (approximately 1,421 feet deep). The proposed well is to be located in the SE 1/4 NW 1/4 Section 27 and the existing well is located in the NE 1/4 SE 1/4 Section 22; all in T10S-R4E for commercial use in a cattle feedlot. The feedlot will be in the E 1/2 NW 1/4 W 1/2 NE 1/4 Section 27-T10S-R4E. This site is located approximately 14 miles southeast of Edgemont SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2830-2 with qualifications because 1) unappropriated water is available, 2) existing domestic water uses and water rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest as it pertains to matters within the regulatory authority of the Water Management Board. The Chief Engineer's recommendation with qualifications, the application, and staff report are available at <https://danr.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 this application or recommendation shall allege that the application, upon approval, will cause injury to the person that is unique from any injury suffered by the public in general. The injury must concern a matter either within the regulatory authority found in SDCL 46-2A-9 for approval or denial of the application, or other matter concerning the application within the regulatory authority of the board to act upon as defined by SDCL 46-2-9 and 46-2-11, or both. Any person meeting the petitioner requirements and wishing to be a party of record in a contested case hearing shall file a written petition to oppose the application with BOTH the applicant and Chief Engineer. A petition opposing the application shall be filed on a form provided by the Chief Engineer

The petition form is available online at <https://danr.sd.gov/public> or by contacting the Chief Engineer. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501" or call (605) 773-3352. The applicant's mailing address is given above. If contesting the Chief Engineer's recommendation, the applicant shall also file a petition. A petition filed by either an interested person or the applicant must be filed by December 20, 2021.

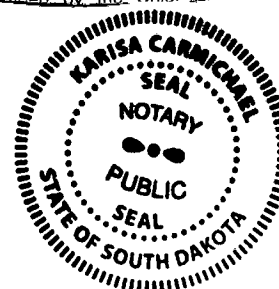
The petition shall include a statement describing the unique injury upon approval of the application on the petitioner, the petitioner's reasons for opposing the application, and the name and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained.

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Hunter Roberts,
Secretary

(Published one time at the approximate cost of \$74.83)



Form 8

RECEIVED

DEC 13 2021

WATER RIGHTS
PROGRAM

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County of FALL RIVER) SS

I, SHERYL GRIMES

certify that the attached printed Notice was taken

from the FALL RIVER COUNTY
HERALD-STAR

printed and published in HOT SPRINGS

County of FALL RIVER and

state of South Dakota. The notice was published

in the newspaper on the following date:

DEC. 9, 2021

Cost of Printing \$47.00

Sheryl Grimes
(Signature)

PRODUCTION MANAGER
(Title)

12-10-21

(Date Signed)

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to Appropriate Water**

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Published once at the total approximate cost of \$47.61
Published: Dec. 9, 2021

Schlaak, Karen

From: Schlaak, Karen
Sent: Tuesday, November 30, 2021 9:58 AM
To: RCY Legals (legals@rapidcityjournal.com)
Subject: 2830-2, Weinreis Brothers
Attachments: 2830-2public.short_final.docx; FORM8.FRM.doc

Attached is a notice to be published on December 9, 2021.

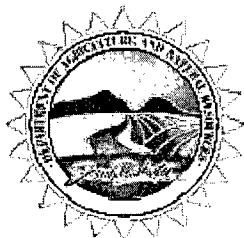
Weinreis Brothers, c/o Charles Weinreis, 230908 Highland Rd, Scottsbluff NE 69361 (308 220-3700) has been notified to contact you to authorize publication and arrange for payment.

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
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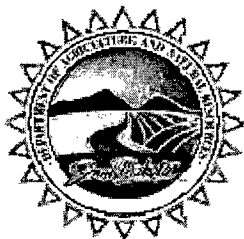
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Karen Schlaak

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.**

November 30, 2021

Weinreis Brothers
c/o Charles Weinreis
230908 Highland Rd
Scottsbluff NE 69361

Dear Mr. Weinreis:

Water Permit Application No. 2830-2 for commercial use have been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice has been sent to the Fall River Co Herald Star printed at Hot Springs (Ph # 605 745-3930) and the Rapid City Journal printed at Rapid City (Ph # 605 394-8336). 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. 2830-2 to Appropriate Water

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Published once at the total approximate cost of _



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

January 13, 2022

Weinreis Brothers
c/o Charles Weinreis
230908 Highland Road
Scottsbluff NE 69361

Dear Mr. Weinreis:

Enclosed is Water Permit No. 2830-2 authorizing construction of the water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

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

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

Sincerely,

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

enclosures