

WATER PERMIT NO. 2837-2

Name of Applicant: Oglala Lakota County School Dist 65-1

Address: 206 School St, Batesland SD 57716 Phone: 605 288-1921

Amount of Water Claimed: 0.67 cfs (50 AF) Total Acres: NA

Source of Water Supply: groundwater (one well)

Water to be used for: institutional County: Oglala Lakota

Type of Waste Disposal System:

Location: 5 miles northeast of Pine Ridge

PRIORITY Date Received: 1-28-22 Application/License Fee: \$ 700

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

Remarks:

Diversion Point: NW 1/4 NE 1/4 Sec 2-T35N-
R44W

Land to be Irrigated: NA

Depth of Well: 500 feet deep

Well Driller:

Remarks:

Type of Map: plat

Prepared by:

			⊗		
			2		

Reviewed and the Number Assigned on: 1-31-22

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____

**SOUTH DAKOTA
WATER PERMIT NO. 2837-2**

Date of first receipt of application January 28, 2022.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 2837-2 to Oglala Lakota County School District 65-1, 206 School St, Batesland SD 57716 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. 2837-2 appropriates 50 acre-feet of water annually at a maximum pump rate of 0.67 cubic feet of water per second from one well to be completed into the Arikaree Aquifer (approximately 500 feet deep) located in the NW 1/4 NE 1/4 Section 2-T35N-R44W. This site is located approximately 5 miles northeast of Pine Ridge SD.
2. The water appropriated shall be used for the purpose of institutional and water distribution system uses and may not exceed the amount of water needed for beneficial use.
3. The water is to be used during the following described annual period: January 1 – December 31.
4. The date from which applicant may claim right is January 28, 2022.
5. The date of approval of Permit No. 2837-2 is April 4, 2022.
6. One-fifth of the construction is to be completed on or before October 4, 2024.
7. All construction is to be completed on or before April 4, 2027.
8. Water is to be put to beneficial use on or before April 4, 2031.
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. 2837-2 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 Arikaree aquifer.
3. Water Permit No. 2837-2 authorizes a total annual diversion of up to 50 acre-feet of water.

WATER MANAGEMENT BOARD

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

JUN 01 2022
date



SD FORM - 1005LD V3
FORM 2: Application for uses other than irrigation
(type or print)

RECEIVED

Mail to: DENR - Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. <u>2837-2</u>	(office use only) Hydrologic Unit <u>10140201</u>	JAN 28 2022
	Basin <u>White River</u>		WATER RIGHTS PROGRAM
	Newspaper <u>Lakota Country Times</u>		
	<u>Rapid City Journal</u>		

PAID

JAN 28 2022
Ck# 4957
Rec't#

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 Oglala Lakota County School Dist. 65-1

Mailing Address 206 School Street Batesland SD 57716
(Address) (City) (State) (Zip Code)
Darrell LCS 441-1732
Phone 605-288-1921 Mobile _____ Email connie.kaltenbach@k12.sd.us

2. Amount of water claimed 0.67 *CFS or 300 **GPM and 50 ***AF or 16.3M 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 Oglala Aquifer

4. Location of point of diversion NE 1/4, Section 2, T35N-R44W (NW 1/4 NE 1/4) County Oglala Lakota
(example - 3 wells in SW 1/4 NE 1/4 section 12-T104N-R53W)

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

If "Yes," where will water be used? _____
(example - NW 1/4 section 12-T104N-R53W)

5. County or counties where water will be used Oglala Lakota

6. Annual period during which water is to be used Jan 1 to 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 proposed water well is to supply water for the Oglala Lakota County School District near the intersection of US Route 13 and Wolf Creek Road. Water will be used by school elementary/middle school and high school bathrooms bus barn bathroom, kitchens and teacher housing.

1. Darrell L. Bull Project Director, 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.

2015-10

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

Supplemental Information

(type or print)

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

- a) If new wells, how many 1 Have test holes been drilled ☐ Yes ☒ No Drilled by _____
(if yes, please provide copies of logs)
- b) If existing wells, how many _____ Provide copy of log(s), if available. Drilled by _____

For either Existing or Proposed Wells:

- c) Well Depth (required) 500 ft Depth to Top of Water Bearing Material 300 ft Depth to Water from Surface 300 ft
- d) Distance to nearest domestic well on applicant's property 250 ft Property owned by others 1,200 ft
(geothermal)

2. Wastewater Disposal System Information

- a) Type of System (i.e. septic tank, drain field) lagoons
- b) System Capacity (gallons) 3.04 MGal Retention Year Constructed 2019
- c) Connected to the City of Wolf Creek School Dist. Sanitary System

3. Dugout Information

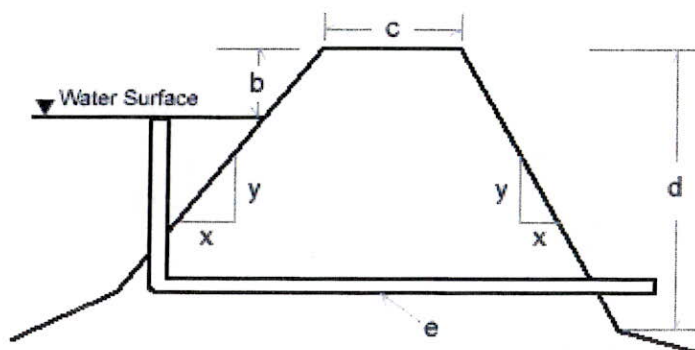
- a) Surface Dimensions NA Depth NA
- b) Depth to water (ground surface to water level) NA

4. Water Storage Dams

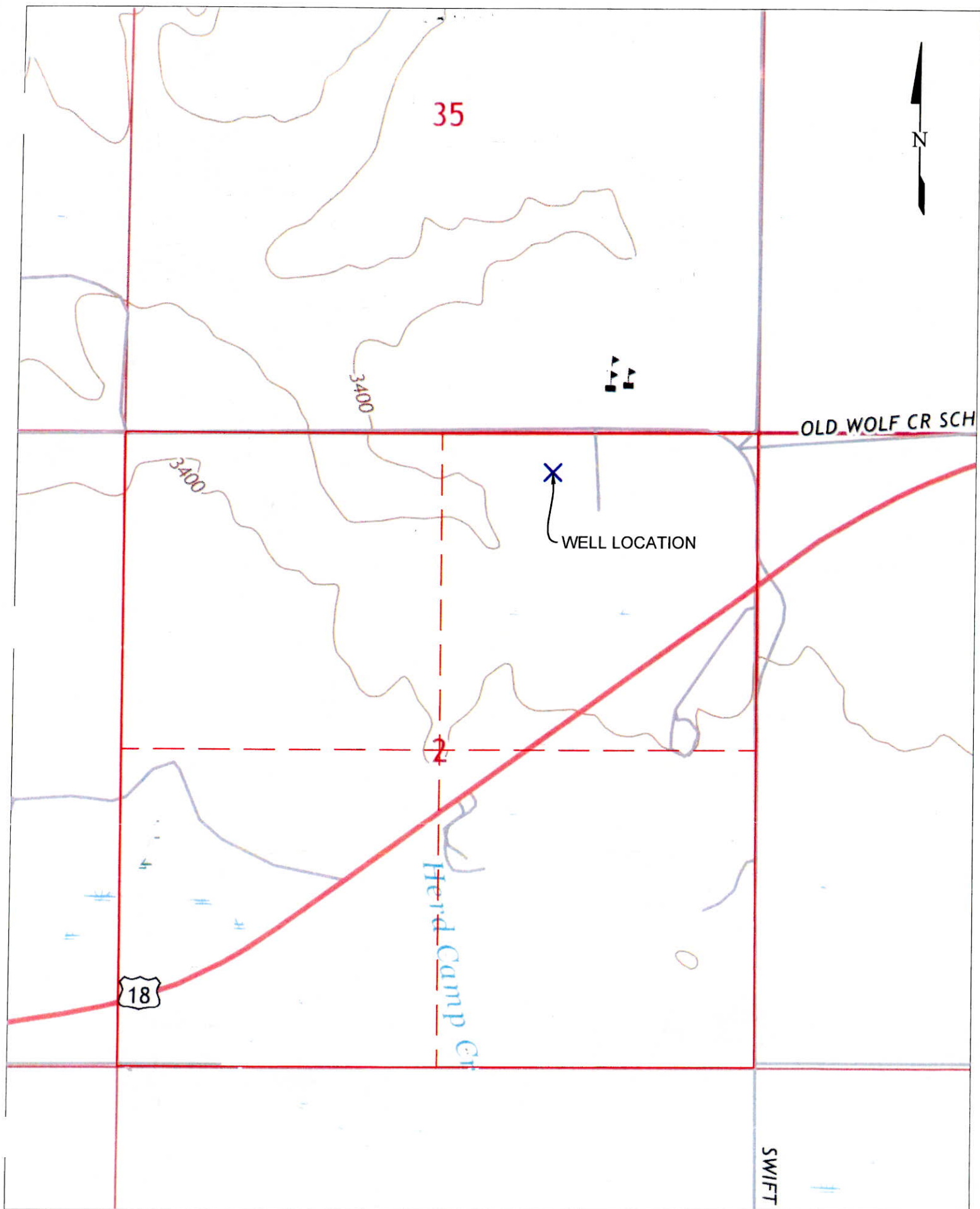
If the proposed water use system contains one or more storage dams, please furnish the information requested below for each dam. The locations of the dams need to be shown on the map submitted with the application.

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

NA



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



WELL LOCATION MAP

OGLALA LAKOTA COUNTY
NE $\frac{1}{4}$, SECTION 2, T35N - R44W

RECEIPT

WATER RIGHTS PROGRAM South Dakota Department of Agriculture and Natural Resources

Date January 28, 2022

RECEIVED OF Oglala Lakota County Schoold District 65-1 PO Box 109 Batesland SD 57716

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

Fee for Application for Permit No. <u>2837-2</u> to Appropriate Water, to construct and to put water to beneficial use	\$ <u>950.00</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>2837-2</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>1150.00</u>

By Eric Gronlund
Chief Engineer
Em

Appl. No. 2837-2

WATER RIGHTS PROGRAM -- FILE DOCUMENTATION

NAME: Oglala Lakota County School Dist. 65-1

ADDRESS: 206 School Street, Batesland SD 57716

DATE: January 31, 2022

TELEPHONE: 605-288-1921

RE: Water Permit Application No. 2837-2

COMMENTS:

I contacted the school district (Connie Kaltenbach) to determine whether the location of the proposed well was on tribal property. Ms. Kaltenbach informed me the property was owned by the school district. We also discussed the proposed uses for the water and decided to add "water distribution system" to the application because use of water extended to housing as well as school (institutional) uses.



Ron Duvall
Water Rights Permitting Administrator
Water Rights Program



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

March 15, 2022

Kevin Killer, President
Oglala Sioux Tribe
PO Box 2070
Pine Ridge SD 57780

Mr. Killer:

Oglala Lakota County School District 65-1 has filed a water right permit application with the state of South Dakota for institutional and water distribution system uses from the Arikaree Aquifer. Enclosed is a copy of the public notice, report and recommendation regarding Application No. 2837-2.

This information is being sent to you as part of the DANR's commitment to keep the Oglala Sioux Tribe informed of water permitting issues in Oglala Lakota County. Please let us know if there are concerns that the Tribe feels need to be addressed.

Sincerely,

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

enclosures



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 2837-2, Oglala Lakota County School District 65-1**

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. 2837-2, Oglala Lakota County School District 65-1, 206 School Street, Batesland SD 57716.

The Chief Engineer is recommending APPROVAL of Application No. 2837-2 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 well approved under Water Permit No. 2837-2 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 Arikaree aquifer.
3. Water Permit No. 2837-2 authorizes a total annual diversion of up to 50 acre-feet of water.

See report on application for additional information.

Eric Gronlund, Chief Engineer
March 14, 2022

Report to the Chief Engineer
On Water Permit Application No. 2837-2
Oglala Lakota County School District 65-1
Darrell Eagle Bull, Project Director

March 14, 2022

Water Permit Application No. 2837-2 proposes to appropriate up to 50 acre-feet of water annually at a maximum instantaneous diversion rate of 0.67 cubic feet per second (cfs) from one well to be completed into the Arikaree aquifer (approximately 500 feet deep) located in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 2-T35N-R44W for institutional and water distribution system use. The site of interest is located in Oglala Lakota County approximately five miles northeast of Pine Ridge, SD.

AQUIFER: Arikaree (ARKR)

HYDROGEOLOGY:

The Tertiary-Aged, Arikaree Formation (sometimes called the Arikaree Group) consists of pinkish-tan to red, poorly consolidated, tuffaceous sandstone, siltstone, shale, and silty clay, that generally ranges in thickness from approximately 0 to 620 feet (Long and Putnam, 2010). The areal extent of the outcrop of the Arikaree Formation in South Dakota is approximately 1,514,080 acres (Martin et al., 2004). The Arikaree Formation underlies much of the Ogallala Formation in South Dakota and thus has a much larger total areal extent than just the outcrop area.

The Arikaree aquifer is composed primarily of the saturated sandstones and siltstones within the Arikaree Formation (Carter, 1998; Long & Putnam, 2010). The Arikaree aquifer is a local aquifer within the High Plains aquifer system, which extends over eight states from South Dakota to Texas (Long & Putnam, 2010). The Arikaree aquifer varies between confined and unconfined aquifer conditions (Carter, 1998). The general direction of groundwater flow in the aquifer varies depending on the location within the aquifer (Carter, 1998).

No water well or test hole completion report was submitted with Water Permit Application No. 2837-2. Within approximately ten miles of the proposed diversion point, water well and test hole completion reports on file have saturated aquifer thicknesses ranging from approximately 40 to 140 feet, with the depth to the top of aquifer materials ranging from approximately 100 to 330 feet below the ground surface, and static water levels varying between 60 to 250 below the ground surface at the time of well completion (Water Rights, 2022d). Based on the well and test hole completion reports near the proposed diversion point, the Arikaree aquifer is expected to be confined near the proposed diversion point (Water Rights, 2022d).

South Dakota Codified Law (SDCL) 46-2A-9

Pursuant to SDCL 46-2A-9, "A permit to appropriate water may be issued only if there is a reasonable probability that there is unappropriated water available for the applicant's proposed use, that the diversion point 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 as defined by SDCL 46-2-9 and 46-2-11." This report will address the availability of unappropriated water and the potential for unlawful impairment of existing domestic water uses and water rights within the Arikaree aquifer.

WATER AVAILABILITY:

Water Permit Application No. 2837-2 proposes to appropriate water from the Arikaree aquifer. The probability of unappropriated water being available from the aquifer can be evaluated by considering SDCL 46-6-3.1, which requires "No application to appropriate groundwater may be approved if, according to the best information reasonably available, it is probable that the quantity of water withdrawn annually from a groundwater source will exceed the quantity of the average estimated annual recharge of water to the groundwater source. An application may be approved, however, for withdrawals of groundwater from any groundwater formation older than or stratigraphically lower than the greenhorn formation in excess of the average estimated annual recharge for use by water distribution systems." While the applicant's proposed use is for use in a water distribution system as defined by SDCL 46-1-6(17), the Arikaree aquifer is not older than or stratigraphically lower than the Greenhorn Formation (Fahrenbach et al., 2010). Therefore, the average annual recharge and average annual withdrawal rates to and from the Arikaree aquifer must be considered.

HYDROLOGIC BUDGET:

Recharge

Recharge to the Arikaree aquifer is primarily through the infiltration of precipitation and streamflow loss on the outcrop of the Arikaree Formation (Carter, 1998; Long and Putnam, 2010). Using steady-state simulation, Long and Putnam (2010) estimated a recharge rate to the Arikaree aquifer, in Todd and Mellette Counties, of 1.45 inches per year over the area of the Arikaree Formation outcrop for use in their numerical model for simulating groundwater flow in the Ogallala and Arikaree aquifers. Assuming the Arikaree Formation is under similar conditions where it occurs in the rest of South Dakota, the recharge rate estimated for Todd and Mellette Counties can be applied to the entire areal extent of the Arikaree Formation outcrop in South Dakota (approximately 1,514,080 acres), for an estimated average annual recharge rate of 183,000 acre-feet per year (Martin et al., 2004).

Discharge

Discharge from the Arikaree aquifer is primarily through well withdrawals (Water Rights, 2022c and 2022d), by evapotranspiration where the aquifer is at or near the ground surface, and by discharge from springs to alluvial aquifers and streams when the potentiometric surface of the aquifer is higher than the potentiometric surface in the alluvial aquifers or stage in the streams (Carter, 1998; Long and Putnam, 2010). Currently, there are 37 water rights/permits authorized to appropriate water from the Arikaree aquifer (as shown in Figure 1) (Water Rights, 2022c).

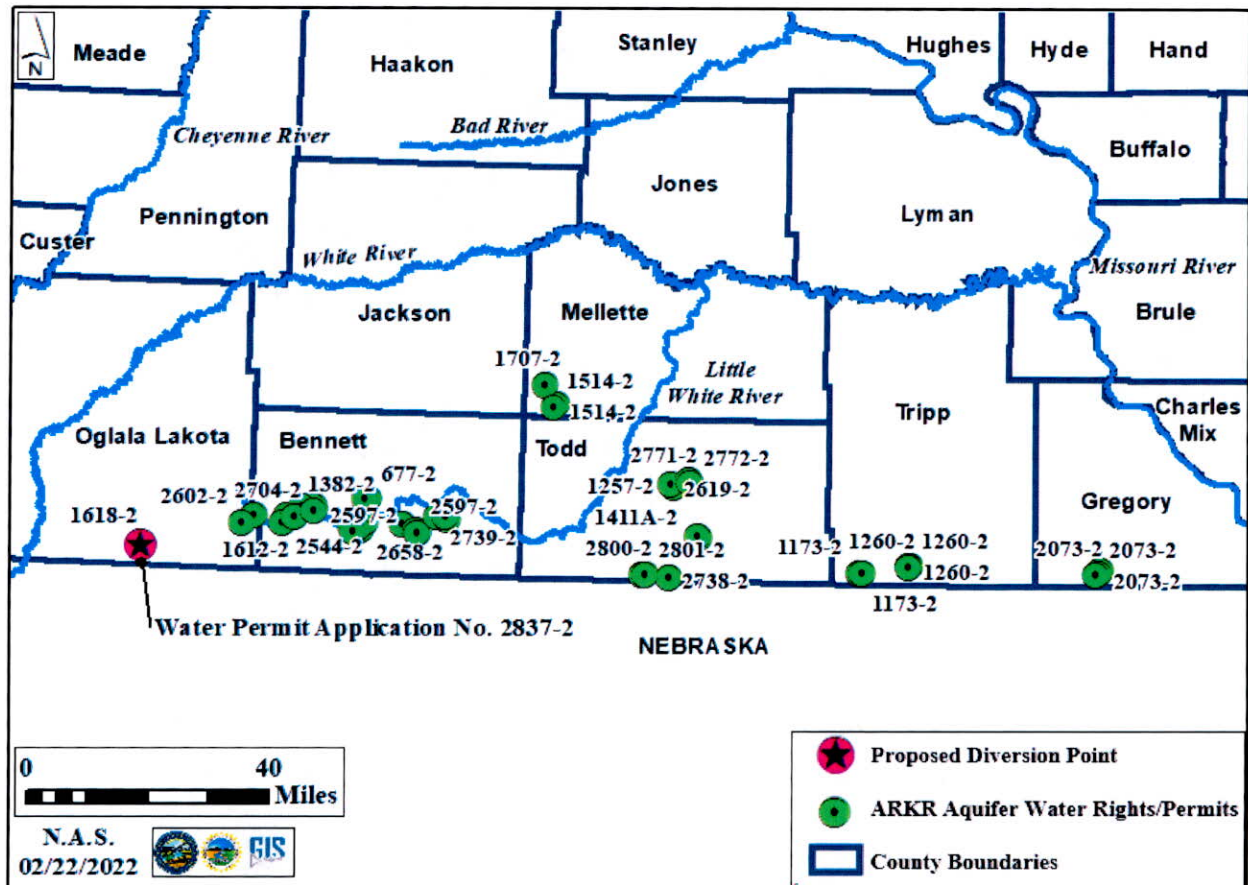


Figure 1. Location of the proposed diversion point for Water Permit Application No. 2837-2 with the water rights/permits currently authorized to appropriate water from the Arikaree aquifer (Water Rights, 2022c)

Water Right No. 1260-2 is currently authorized for diversion from the Arikaree aquifer (Water Rights, 2022c), as the available information at that time implied an Arikaree aquifer water source. Recent information received by the DANR-Water Rights Program near the diversion points authorized by Water Right No. 1260-2, indicates the water source for these wells is actually the Ogallala aquifer. Since the wells authorized by Water Right No. 1260-2 are obtaining water from the Ogallala aquifer, they are not included in this analysis.

Table 1 summarizes the eight non-irrigation water rights/permits authorized to appropriate water from the Arikaree aquifer with the estimated annual use for each water right/permit as determined by their limiting diversion rate or annual volume. Historically, average water use by non-irrigation appropriations limited by an instantaneous diversion rate have been assumed to be pumping 60% of full time at the respective permitted diversion rate. Water rights/permits limited by an annual volume are assumed to withdraw their entire respective annual volume limitation. This is a standard method used by the DANR-Water Rights Program for estimating annual withdrawals by non-irrigation appropriations from an aquifer (Water Rights, 2022c). Overall, the estimated average annual withdrawal rate from the Arikaree aquifer by non-irrigation water rights/permits is approximately 986.1 acre-feet per year (Table 1) (Water Rights, 2022c).

Table 1. Estimated annual use for the non-irrigation water rights/permits authorized to divert water from the Arikaree aquifer (Water Rights, 2022c)

Permit No.	Name	Status	Use	Authorized Diversion Rate (cfs)	Authorized Annual Volume (acre-feet)	Estimated Use (acre-feet/year)
677-2	City of Martin	MUN	LC	0.47	n/a	204.2
1612-2	Town of Batesland	MUN	LC	0.15	n/a	65.2
1618-2	Shannon County School District	INS	PE	0.07	n/a	30.4
1844-2	City of Martin	MUN	LC	0.75	n/a	325.8
2478-2	Martin J Vanderploeg	FWP	LC	0.1	n/a	43.4
2517-2	City of Martin	MUN	LC	0.67	n/a	291
2597-2	US Fish & Wildlife Service	DOM	LC	0.038	n/a	16.5
2602-2	West Plains Grain	COM	LC	0.022	n/a	9.6
TOTAL:						986.1
LC: Licensed Water Right, PE: Water Permit, COM: Commercial, DOM: Domestic,						
FWP: Fish and Wildlife Propagation; IND: Industrial; MUN: Municipal						

Water Right No. 2517-2, held by the City of Martin, is required to report their respective annual withdrawal rate from the Arikaree aquifer (Water Rights, 2022c). The withdrawals that are annually reported from the Arikaree aquifer by Water Right No. 2517-2 are shown in Table 2. Additionally, the annually reported withdrawal rate listed on Table 2 includes the withdrawals authorized by Water Permit No. 677-2 (Mathiowetz, 2022). The reported withdrawals for Water Right No. 2517-2 (including Water Right No. 677-2) listed on Table 2 are listed for comparison purposes only to show historically the average annual use has been less than the volume that is estimated on Table 1 (Water Rights, 2022c and 2022f). The estimated use for Water Right Nos. 677-2 and 2517-2 calculated on Table 1 will be used in the analysis.

Table 2. Non-irrigation water right required to report their respective annual use from the Arikaree aquifer (Water Rights, 2022c and 2022f)

	City of Martin
Permit No.	2517-2
	acre-feet
Year	
2003	n/a
2004	0
2005	254
2006	277
2007	271
2008	240
2009	241
2010	247
2011	237
2012	292
2013	237
2014	217
2015	193
2016	245
2017	218
2018	213
2019	199
2020	263.6
Min	0
Max	292
Average	226.2

Currently, there are 29 irrigation water rights/permits authorized to appropriate water from the Arikaree aquifer, not including Water Right No. 1260-2 (Water Rights, 2022c). Irrigation water rights/permits have been typically required to report their annual usage on an irrigation questionnaire since 1979. Water Right No. 1257-2, authorized for the irrigation of 134.6 acres, does not have an annual reporting requirement (Water Rights, 2022c), which accounts for only 28 irrigation water rights/permits listed as reporting on Table 3. Generally, crop irrigators in South Dakota apply less than one foot of water per acre per year. However, to account for the fluctuation in wet and dry cycles from year to year, the one foot of water per acre per year application rate will be used to estimate the average annual withdrawal rate for Water Right No. 1257-2. Therefore, the estimated average annual withdrawal rate for Water Right No. 1257-2 is approximately 134.6 acre-feet per year. The average annual withdrawal rate for the Arikaree aquifer irrigation water rights/permits that have reported over the period of record, plus the

estimated use for Water Right No. 1257-2, is approximately 2,027 acre-feet per year (Table 3) (Water Rights, 2022a).

There are domestic wells completed into the Arikaree aquifer that do not require a water right/permit, so the withdrawal amount for domestic use is unknown (Water Rights, 2022d). Since the introduction of rural water systems, many domestic wells are likely no longer in use or are not being used as primary water sources. Due to their relatively low diversion rates and the availability of rural water, withdrawals from domestic wells are not considered to be a significant portion of the hydrologic budget for the Arikaree aquifer.

The proposed diversion point is located on the Pine Ridge Indian Reservation. The Oglala Sioux Tribe manages water withdrawals from the High Plains aquifer system for water users on tribal trust land within the boundaries of the Pine Ridge Indian Reservation. However, the withdrawal from the Arikaree aquifer by tribe members on tribal trust land is not known.

Hydrologic Budget Summary

The estimated average annual recharge rate to the Arikaree aquifer is approximately 183,000 acre-feet per year. Based on the water rights/permits currently authorized to appropriate water from the Arikaree aquifer, the estimated average annual withdrawal rate from this aquifer is approximately 3,013 acre-feet per year (non-irrigation: 986.1 acre-feet/year; irrigation: 2,027 acre-feet/year).

If Water Permit Application No. 2837-2 is approved, and assuming full volume appropriation, the estimated average annual withdrawal rate for Application No. 2837-2 is approximately 50 acre-feet per year. If Water Permit Application No. 2837-2 is approved, the estimated average annual withdrawal rate from the Arikaree aquifer would be approximately 3,063 acre-feet per year (non-irrigation: 986.1 acre-feet/year; irrigation: 2,027 acre-feet/year; Water Permit Application No. 2837-2 (if approved): 50 acre-feet/year).

Additionally, an unknown amount of water may be withdrawn from the Arikaree aquifer by tribe members on tribal trust land. The estimated average annual withdrawal rate based on the water rights/permits currently authorized to appropriate water from the Arikaree aquifer is less than 3% of the average annual recharge to the aquifer. Based on the hydrologic budget, there is a reasonable probability unappropriated water is available from the Arikaree aquifer for the proposed appropriation.

Report on Water Permit Application No. 2837-2

Table 3. Reported historic irrigation use from the Arikaree aquifer, not including Water Right No. 1260-2 (Water Rights, 2022a)

Year	No. of Permits Reporting	Reported Pumpage (acre-feet)
1982	24	1,551.11
1983	24	1,577.53
1984	28	2,276
1985	24	2,973
1986	22	1,426
1987	22	1,492
1988	22	2,175
1989	22	4,331.5
1990	22	2,577
1991	22	1,606.70
1992	21	1,082.10
1993	21	699.4
1994	20	1,290.09
1995	20	1,670.79
1996	20	2,510.20
1997	20	1,159
1998	18	1,324.62
1999	19	1,452.70
2000	19	2,067.06
2001	19	1,554.80
2002	19	2,563.15
2003	20	1,848.67
2004	20	1,711.86
2005	21	1,911.79
2006	21	2,413.81
2007	21	2,903.38
2008	22	2,133.28
2009	22	1,944.51
2010	20	2,069.07
2011	22	1,196.88
2012	22	4,053.02
2013	25	2,344.95
2014	26	1,336.57
2015	27	1,631.27
2016	27	1,906.85
2017	27	2,138.32
2018	26	1,337.37
2019	26	512.06
2020	28	1,018.79
Min	18	512.06
Max	28	4,332
Average	22.3	1,892

OBSERVATION WELL DATA:

Administrative Rule of South Dakota (ARSD) 74:02:05:07 requires that the Water Management Board shall rely upon the record of observation well measurements in addition to other data to determine that the quantity of water withdrawn annually from the aquifer does not exceed the estimated average annual recharge of the aquifer.

Observation wells provide data on how the aquifer reacts to regional climatic conditions and local pumping. The DANR-Water Rights Program monitors 37 observation wells completed into the Arikaree aquifer (Water Rights, 2022b). The four closest observation wells to the proposed diversion point are SN-80A (approximately 12 miles northeast), SN-79C (approximately 13 miles east), BT-78B (approximately 25 miles northeast), and SN-79B (approximately 25 miles northeast) (as shown in Figure 2). The hydrographs for these observation wells are displayed in Figures 3 to 6 (Water Rights, 2022b). The data points utilized to construct the hydrographs are measurements of the static water level in the observation wells from the top of the well casing. It is worth noting the hydrograph titles display DENR Water Rights Observation Well on the hydrographs when the titles should display DANR Water Rights Observation Well on the hydrographs.

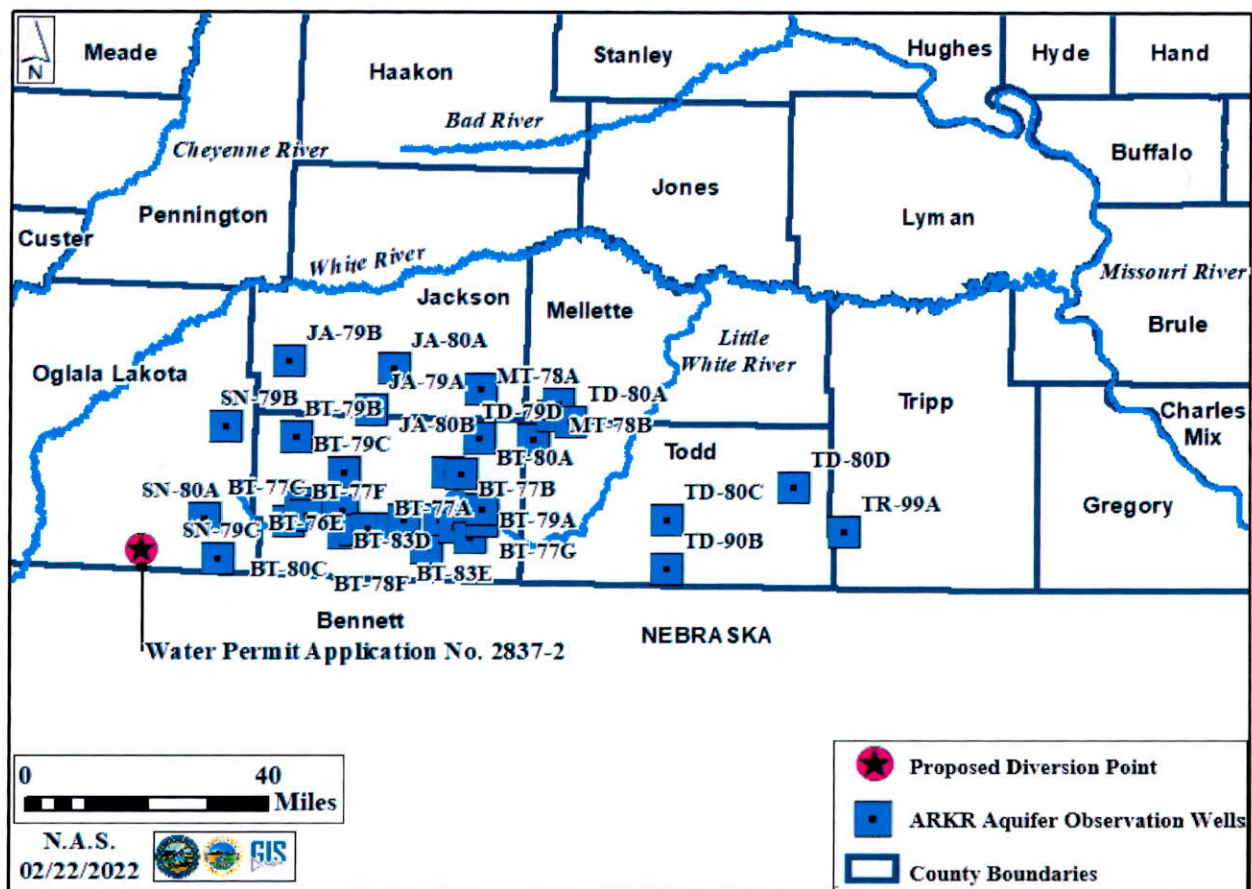


Figure 2. Location of the proposed diversion point for Water Permit Application No. 2837-2 with the observation wells completed into the Arikaree aquifer (Water Rights, 2022c)

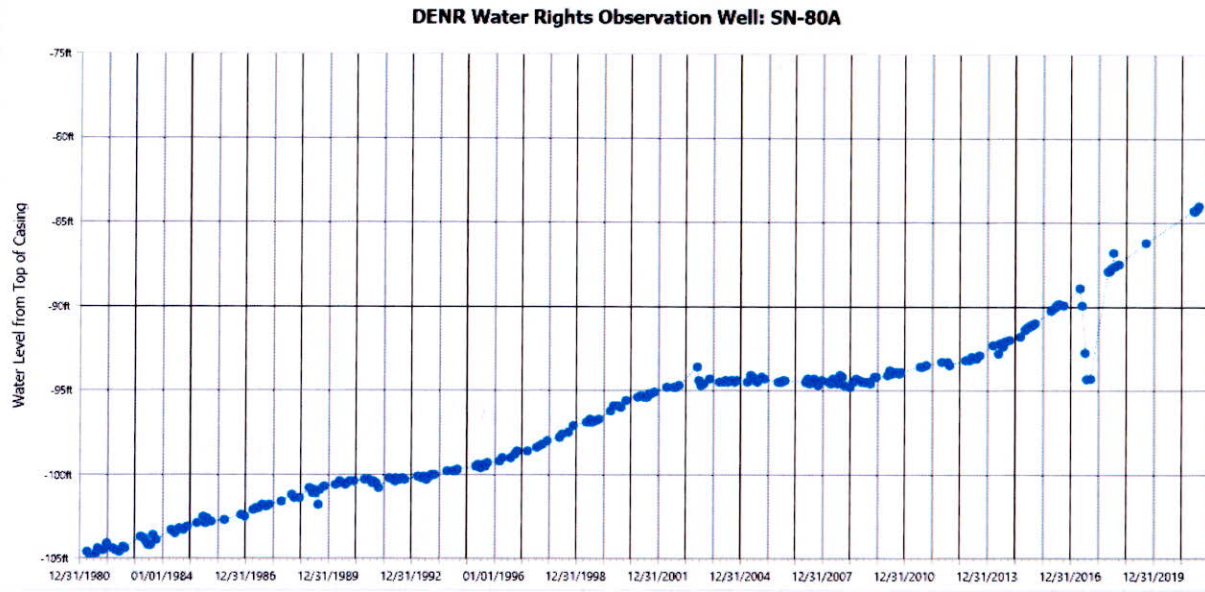


Figure 3. Hydrograph for observation well SN-80A (Water Rights, 2022b)

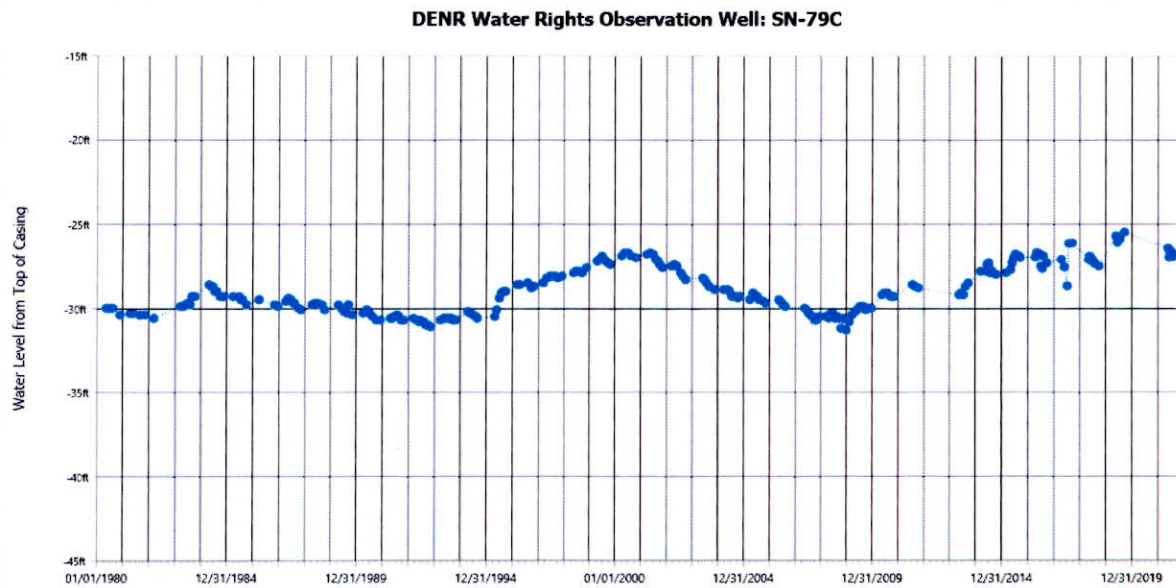


Figure 4. Hydrograph for observation well SN-79C (Water Rights, 2022b)

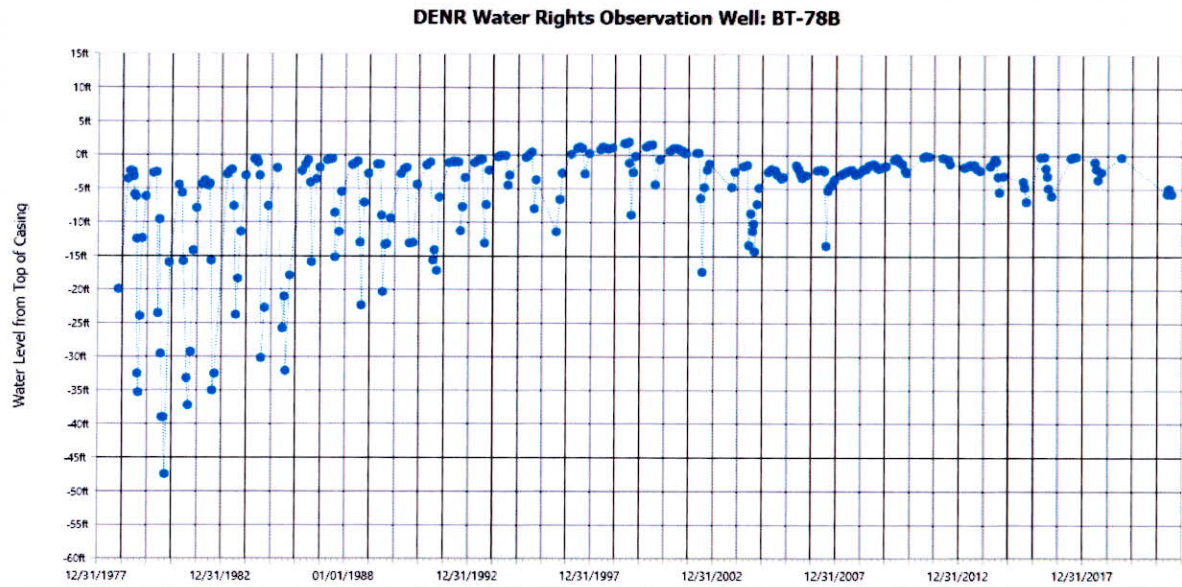


Figure 5. Hydrograph for observation well BT-78B (Water Rights, 2022b)

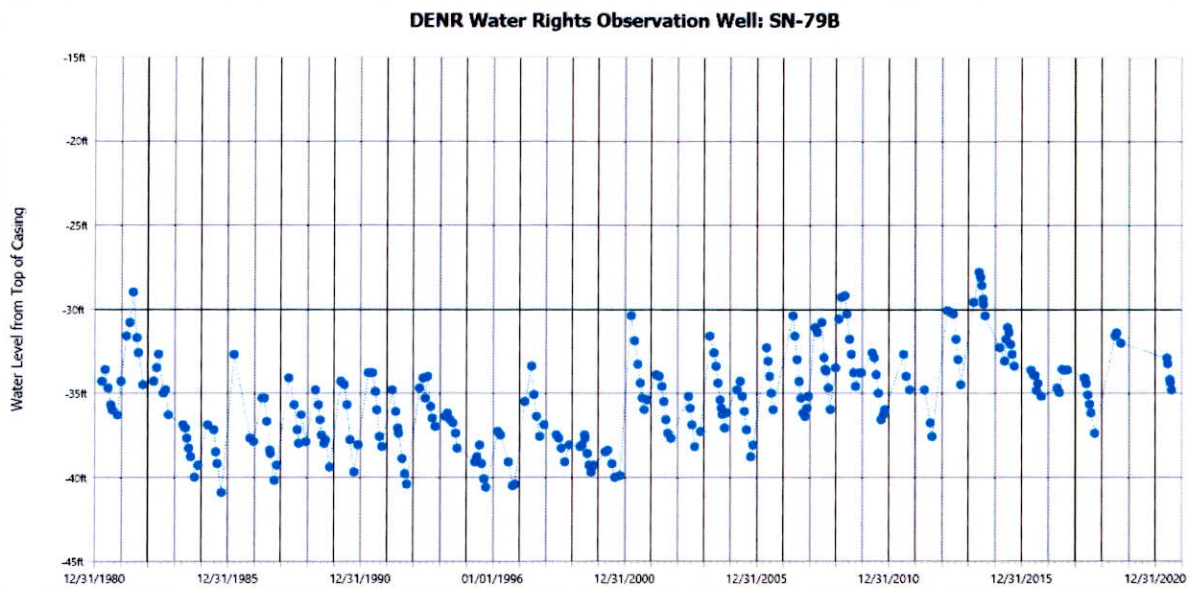


Figure 6. Hydrograph for observation well SN-79B (Water Rights, 2022b)

The hydrographs for the observation wells display stable to increasing water levels over their respective periods of record. The hydrographs for these four observation wells were compared to the hydrographs for the other observations wells completed into the Arikaree aquifer and each displayed a similar trend as shown on the hydrographs displayed in Figures 3 to 6 (Water Rights, 2022b). The hydrographs for the Arikaree aquifer indicate that the aquifer responds well to climatic conditions because water levels are rising during wetter periods and declining to a stable water level during drier periods. Additionally, the water levels in the observation wells display that the amount of recharge to and natural discharge from the aquifer greatly exceeds pumping with the aquifer returning to pre-pumping conditions between irrigation seasons. Aquifer recovery indicates that climatic conditions and therefore, the effects of recharge to and natural discharges from the aquifer govern the long-term fluctuations of waters levels in the aquifer rather than the impacts of pumping from the Arikaree aquifer. By recognizing that both recharge to and natural discharge from an aquifer can be captured for pumping, the observation well hydrographs demonstrate unappropriated water is available for the proposed appropriation.

POTENTIAL FOR UNLAWFUL IMPAIRMENT OF EXISTING WATER RIGHTS:

Currently, there are 37 water rights/permits authorized to appropriate water from the Arikaree aquifer (Water Rights, 2022c). The closest water right/permit (not held by the applicant) to the proposed diversion point is Water Right No. 2602-2, which is held by West Plains Grain. The diversion point for Water Right No. 2602-2 is located approximately 17 miles northeast of the proposed diversion point for this application (Table 4) (Figure 7) (Water Rights, 2022c).

There are domestic wells on file with the IDANR-Water Rights Program that are completed into the Arikaree aquifer, with the closest domestic well on file (not held by the applicant) approximately 0.2 miles northeast of the proposed diversion point (Water Rights, 2022d). There could potentially be other domestic wells completed into the Arikaree aquifer near the proposed diversion point that are not on file with the DANR-Water Rights Program.

Table 4. Arikaree aquifer water rights/permits within approximately thirty miles of the proposed diversion point, as shown in Figure 7 (Water Rights, 2022c)

Permit No.	Name	Status	Use	Authorized Diversion Rate (cfs)	Acres if IRR
1336-2	Neken Revocable Trust	LC	IRR	1.11	132
1342-2	Leonard J Novak	LC	IRR	2	144
1382-2	Scott E & Nancey Divan	LC	IRR	1.11	133
1497-2	Maurice & Donna Neken Revocable Trust	LC	IRR	1.78	264
1612-2	Town of Batesland	LC	MUN	0.15	
1618-2	Shannon County School District	PE	INS	0.07	
2544-2	Timmerman Land & Cattle LLC	LC	IRR	1.44	132
2602-2	West Plains Grain	LC	COM	0.022	
2704-2	Kory and Rodney Rayhill	LC	IRR	1.56	140
LC: Licensed Water Right, PE: Water Permit, COM: Commercial, INS: Institutional, IRR: Irrigation, MUN: Municipal					

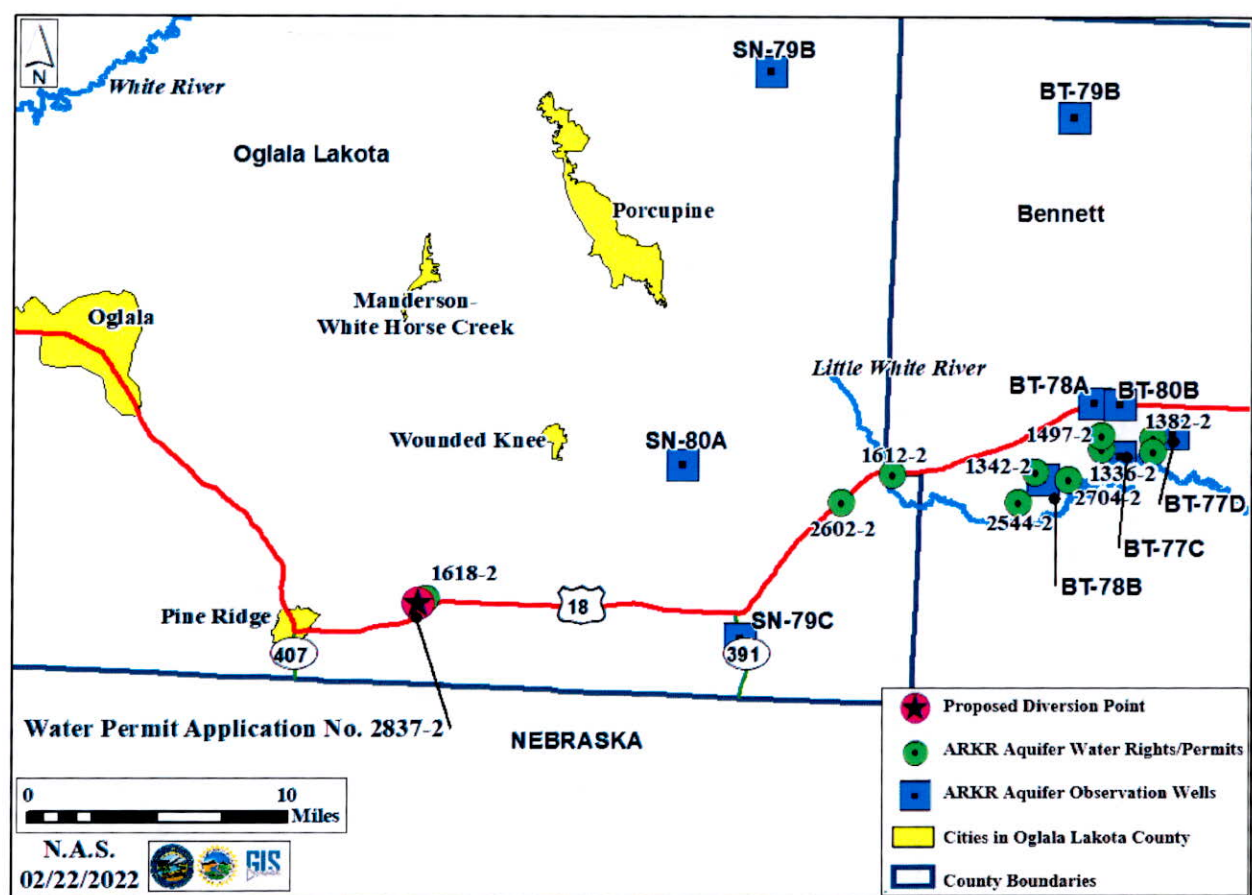


Figure 7. Location of proposed diversion point for Water Permit Application No. 2837-2 with the Arikaree aquifer water rights/permits and observation wells within approximately thirty miles (Water Rights, 2022b and 2022c)

The Arikaree aquifer varies between confined and unconfined aquifer conditions (Carter, 1998). Based on the water well and test hole completion reports within approximately ten miles of the proposed diversion point, the Arikaree aquifer is expected to be confined near the proposed diversion point (Water Rights, 2022d). Drawdown created by pumping a well generally does not extend far from the pumped well in an unconfined aquifer; however, in a confined aquifer, drawdown from pumping could extend a distance from the diversion point. The exact drawdown behavior of a well cannot be known without an aquifer performance test. Examination of the hydrographs for observation wells completed into the Arikaree aquifer show no signs of being significantly impacted by drawdown caused by pumping, despite usually being located within a few miles of several high-yield wells (assumed to be a well with an authorized diversion rate greater than 0.2 cfs) (Water Rights, 2022b and 2022c).

Within approximately ten miles of the proposed diversion point, water well and test hole completion reports on file have saturated aquifer thicknesses ranging from approximately 40 to 140 feet (Water Rights, 2022d). This would generally allow for enough thickness for a pump to be placed 20 feet below the top of the aquifer, which is required for the well to be considered adequate under ARSD 74:02:04:20(6). Any drawdown as a result of the proposed diversion is not expected to unlawfully impair nearby adequate wells. In Oglala Lakota County, there are no

substantiated complaints on file with the DNR-Water Rights Program regarding well interference for adequate wells completed into the Arikaree aquifer (Water Rights, 2022c).

The Water Management Board recognizes that putting water to beneficial use requires a certain amount of drawdown to occur. The Board has developed rules to allow water to be placed to maximum beneficial use without the necessity of maintaining artesian head pressure for domestic use. The Water Management Board defined an “adversely impacted domestic well” in ARSD 74:02:04:20(7) as:

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

The Water Management Board considered the delivery of water by artesian head pressure versus maximum beneficial use during the issuance of Water Right No. 2313-2 for Coca-Cola Bottling Company of the Black Hills. The Board adopted the Findings of Facts and Conclusions of Law that noted the reservation of artesian head pressure for delivery of water would be inconsistent with SDCL 46-1-4 which states, “general welfare requires that the water resources of the state be put to beneficial use to the fullest extent of which they are capable...” (Water Rights, 1995). Furthermore, the Water Management Board found if increased cost or decreased production as a result of impacts on artesian head pressure by legitimate users is to be considered as an unlawful impairment, it would also conflict with SDCL 46-1-4 (Water Rights, 1995). With that in mind, some existing well owners may need to install or lower pumps depending on the specific characteristics of the Arikaree aquifer at their location. However, when considering the statutes (SDCL 46-1-4 and 46-6-6.1), rules (ARSD 74:02:04:20(6) and (7)), the saturated aquifer thickness of the aquifer near the proposed diversion point, the lack of drawdown in the Arikaree observation wells shown on the hydrographs, and the lack of well interference complaints for adequate wells completed into the Arikaree aquifer in Oglala Lakota County, any drawdown created from the proposed diversion is not expected to cause an unlawful impairment on existing water right/permit holders or domestic users with adequate wells. Therefore, there is a reasonable probability that any interference from the proposed appropriation will not impose unlawful impairments on existing users with adequate wells.

CONCLUSIONS:

1. Water Permit Application No. 2837-2 proposes to appropriate up to 50 acre-feet of water annually at a maximum instantaneous diversion rate of 0.67 cfs from one well to be completed into the Arikaree aquifer (approximately 500 feet deep) for institutional and water distribution system use. The site of interest is located in Oglala Lakota County approximately five miles northeast of Pine Ridge, SD.
2. Based on the observation well data and hydrologic budget, there is a reasonable probability that unappropriated water is available from the Arikaree aquifer to supply the proposed appropriation.
3. There is a reasonable probability that the proposed diversion by Water Permit Application No. 2837-2 will not unlawfully impair adequate wells for existing water right/permit holders and domestic users.

Nakaila Steen

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

Reviewed by:

Adam Mathiowetz

Adam Mathiowetz, PE
Natural Resources Engineer IV
SD DANR - Water Rights Program

References

- Carter, J.M., 1998. Water Resources of Mellette and Todd Counties, South Dakota; Water Resources Investigations Report 98-4146. Rapid City, South Dakota. U.S. Geological Survey.
- Fahrenbach, M.D., Steece, F.V., Sawyer, J.F., McCormick, K.A., McGillivray, G.L., Schulz, L.D., and Redden, J.A. 2010. South Dakota Stratigraphic Correlation Chart. Oil and Gas Investigations 3. SD DANR-Geological Survey, Vermillion, SD.
- Long, A.J. & Putnam, L.D., 2010. Simulated Groundwater Flow in the Ogallala and Arikaree Aquifers, Rosebud Indian Reservation Area, South Dakota – Revisions with Data Through Water Year 2008 and Simulations of Potential Future Scenarios, Scientific Investigations Report 2010-5105, Reston, Virginia, U.S. Geological Survey.
- Martin, J.E., Sawyer, J.F., Fahrenbach, M.D., Tomhave, D.W., and Schulz, L.D., 2004. "Geologic Map of South Dakota," SD-DANR Geological Survey Program, Vermillion, SD.
- Mathiowetz, A.W., 2022. Personal Communication. Engineer IV. March 2, 2022. SD DANR-Water Rights Program, Joe Foss Bldg, Pierre, SD.
- Water Rights, 1995. Findings of Fact, Conclusions of Law, and Final Decision in the Matter of Water Permit Application No. 2313-2, Coca-Cola Bottling Company of the Black Hills. DANR-Water Rights Program file for Water Right No. 2313-2. Pierre, SD.
- Water Rights, 2022a. "1979-2020 Irrigation Summaries by Aquifer", SD DANR-Water Rights Program, Joe Foss Building, Pierre, SD.
- Water Rights, 2022b. Observation Well Data, SD DANR-Water Rights Program, Joe Foss Bldg, Pierre, SD.
- Water Rights, 2022c. Water Right/Permit Files, SD DANR-Water Rights Program, Joe Foss Bldg, Pierre, SD.
- Water Rights, 2022d. Well Completion Reports, SD DANR-Water Rights Program, Joe Foss Bldg, Pierre, SD.
- Water Rights, 2022e. County Files, SD DANR-Water Rights Program, Joe Foss Bldg, Pierre, SD.
- Water Rights, 2022f. "2003-2020 Non-Irrigation Yearly Reports", SD DANR-Water Rights Program, Joe Foss Bldg, Pierre, SD.

Schlaak, Karen

From: Schlaak, Karen
Sent: Tuesday, March 15, 2022 11:26 AM
To: connie.kaltenbach@k12.sd.us
Subject: Water Permit Application No. 2837-2
Attachments: 3044.pdf

Attached is a copy of the report, chief engineer recommendation and information regarding the public notice for the 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>



*** Proof of Publication ***

STATE OF SOUTH DAKOTA)

County of Pennington)

SS:

Oglala Lakota County School District

PO BOX 109

BATESLAND SD 57716

ORDER NUMBER 44252

RECEIVED

APR 29 2022

WATER RIGHTS
PROGRAM

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 week for one

successive week, the first publication there of being on the

25 day of March, 20 22

Karisa Carminich

Section: Legal

Category: 0058 Hearings

PUBLISHED ON: 03/25/2022

TOTAL AD COST: 69.69

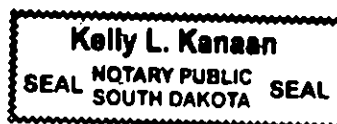
FILED ON: 4/29/2022

Subscribed and sworn to before me this

29th day of April, 20 22

Kelly L. Kanaan Notary Public

My commission expires Jan 17, 20 25



Mar 25 2022 L44252
NOTICE OF APPLICATION NO. 2837-2 to Appropriate Water

Notice is given that Oglala Lakota County School District 65-1, Darrell Eagle Bull, Project Director, 206 School St, Batesland SD 57716 has filed an application for a water permit to appropriate 50 acre-feet of water annually at a maximum pump rate of 0.87 cubic feet of water per second from one well to be completed into the Arkaree Aquifer (approximately 500 feet deep) located in the NW 1/4 NE 1/4 Section 2-T35N-R44W for institutional and water distribution system uses. This site is located approximately 5 miles northeast of Pine Ridge SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2837-2 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 Duval 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 April 4, 2022.

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.

Any interested person may file a comment on the application with the Chief Engineer. The comment shall be filed on a form provided by the Chief Engineer and is available online at <https://danr.sd.gov/public> or by calling (605) 773-3352 or writing the Chief Engineer at the address provided above. Filing a comment does not make the commenter a party of record or a participant in any hearing that may be held. Any comment must be filed by April 4, 2022.

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 \$69.69)

LAKOTA TIMES

PO Box 386, Martin, SD 57551 Phone: 605-685-1868 FAX: 605-685-1870

US Postal Permit Number: USPS 024-176

RECEIVED

APR 20 2022

WATER RIGHTS
PROGRAM

State of South Dakota, County of Bennett and Oglala Lakota County

Roseanna Hammock of said county, being first duly sworn, on oath, says that he/she is the Editor/Publisher or an employee of the Publisher of the Lakota Country Times, a weekly newspaper published in the county of Bennett for circulation in the counties of Bennett and Shannon and Todd in South Dakota; That he/she has full and personal knowledge of the facts herein stated, that said newspaper is a legal newspaper as defined in SDCL 17-2-2.1 through 17-2-2.4 inclusive, that said newspaper has been published within the said County of Bennett and State of South Dakota, for a least one year prior to the first publication of the attached public notice, and that the legal advertisement headed:

NOTICE OF APPLICATION NO. 2837-2 TO APPROPRIATE WATER

A printed copy of which, taken from the paper in which the same was published, and which is hereto attached and made a part of this affidavit, was published in said newspaper for 1 successive weeks to wit:

<u>MARCH 24</u>	<u>2022</u>	Volume 18	Issue # 28
_____	<u>2022</u>	Volume 18	Issue #
_____	<u>2022</u>	Volume 18	Issue #
_____	<u>2022</u>	Volume 18	Issue #

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

COST = \$ 108.804

Signed: Roseanna Hammock

Subscribed and sworn to before me this date: 4-11-2022

Signed: Connie L. Smith

CONNIE L. SMITH

NOTARY PUBLIC
SOUTH DAKOTA

Notary Public in and for the County of Bennett, South Dakota

My Commission expires Dec. 13, 2025

**NOTICE OF APPLICATION
NO. 2837-2 TO APPROPRIATE WATER**

Notice is given that Ogile Lakota County School District 65-1, Daniel Eagle Bull, Project Director, 206 School St., Batesland SD 57715 has filed an application for a water permit to appropriate 50 acre-feet of water annually at a maximum pump rate of 0.67 cubic feet of water per second from one well to be completed into the Arisone Aquifer (approximately 500 feet deep) located in the NW 1/4 NE 1/4 Section 2-T35N-R44W for institutional and water distribution system uses. This site is located approximately 5 miles northeast of Pine Ridge SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2837-2 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://dair.sd.gov/public> or contact Ron Duval 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 46-2-5 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://water.sd.gov> public or by contacting the Chief Engineer. The Chief Engineer's address is "Water Rights Program, Fees Building, 525 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 April 4, 2022.

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.

Any interested person may file a comment on the application with the Chief Engineer. The comment shall be filed on a form provided by the Chief Engineer and is available online at <https://water.sd.gov/public> or by calling (605) 773-3352 or writing the Chief Engineer at the address provided above. Filing a comment does not make the commenter a party of record or a participant in any hearing that may be held. Any comment must be filed by

Continued on B5

CONTINUED FROM B4

April 4, 2022.

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: \$108.80

Schlaak, Karen

From: Schlaak, Karen
Sent: Tuesday, March 15, 2022 11:21 AM
To: ads@LakotaTimes.com
Subject: 2837-3, Oglala Lakota County School District
Attachments: 2837-2public.short_final.docx; FORM8.FRM.doc

Attached is a notice to be published on March 24, 2022.

Oglala Lakota County School District 65-1, c/o Darrell Eagle Bull, Proj Director, 206 School St, Batesland SD 57716 (605 288-1921) 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: Tuesday, March 15, 2022 11:22 AM
To: RCY Legals (legals@rapidcityjournal.com)
Subject: 2837-3, Oglala Lakota County School District
Attachments: 2837-2public.short_final.docx; FORM8.FRM.doc

Attached is a notice to be published on March 24, 2022.

Oglala Lakota County School District 65-1, c/o Darrell Eagle Bull, Proj Director, 206 School St, Batesland SD 57716 (605 288-1921) 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.**

March 15, 2022

Oglala Lakota County School District 65-1
Darrell Eagle Bull, Project Director
206 School St
Batesland SD 57716

Dear Mr. Eagle Bull:

Water Permit Application No. 2837-2 for institutional and water distribution system use have been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice has been sent to the Lakota Country Times printed at Martin (Ph # 605 685-1871) 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. 2837-2 to Appropriate Water

Notice is given that Oglala Lakota County School District 65-1, Darrell Eagle Bull, Project Director, 206 School St, Batesland SD 57716 has filed an application for a water permit to appropriate 50 acre-feet of water annually at a maximum pump rate of 0.67 cubic feet of water per second from one well to be completed into the Arikaree Aquifer (approximately 500 feet deep) located in the NW 1/4 NE 1/4 Section 2-T35N-R44W for institutional and water distribution system uses. This site is located approximately 5 miles northeast of Pine Ridge SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2837-2 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 April 4, 2022.

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.

Any interested person may file a comment on the application with the Chief Engineer. The comment shall be filed on a form provided by the Chief Engineer and is available online at <https://danr.sd.gov/public> or by calling (605) 773-3352 or writing the Chief Engineer at the address provided above. Filing a comment does not make the commenter a party of record or a participant in any hearing that may be held. Any comment must be filed by April 4, 2022.

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 .

May 24, 2022

PAYMENT REQUEST FORM

PAYEE: Oglala Lakota County School District 65-1
Darrell Eagle Bull, Project Director
206 School St
Batesland, SD 57716

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

DESCRIPTION OF SERVICE, PRODUCE OR TRANSFER

Refund-Over Payment for Application/License Fee

AMOUNT: \$450.00

FUNDING SOURCE:

GENERAL: X

FEDERAL:

OTHER:

COMMENTS:

AUTHORIZATION:

Eric Hummel 5/31/2022

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

JUN 01 2022

Oglala Lakota County School District 65-1
Darrell Eagle Bull, Project Director
206 School St
Batesland SD 57716

Dear Mr. Eagle Bull:

Enclosed is Water Permit No. 2837-2 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 \$1,150.00 was submitted with the application. The correct fee for this permit is \$700.00. \$450.00 will be refunded to you. The refund check should be received within the next couple of 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,

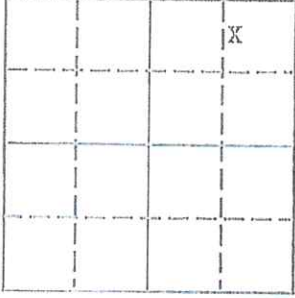
Eric Gronlund, Chief Engineer
Water Rights Program
(605) 773-3352

enclosures

2837-2

SOUTH DAKOTA WATER WELL COMPLETION REPORT

11-02

Location <u>NE</u> <u>1/4</u> <u>NW</u> <u>1/4</u> Sec2 <u>1</u> Twp <u>35N</u> Rg <u>44W</u>				Well Owner: <u>Oglala Lakota County School District</u>																							
County <u>Bennett</u>				Business Name: <u>65-1</u>																							
GPS Coordinates				Address: <u>206 School St</u>																							
Lat: <u>43.044444</u>				City, State, Zip: <u>Batesland, SD 57716</u>																							
Lon: <u>-102.460556</u>				<u>(605) 288-1921</u>																							
Please mark well location with an "X" on section grid 				WELL LOG:																							
				<table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th rowspan="2">FORMATION</th> <th colspan="2">DEPTH</th> </tr> <tr> <th>FROM</th> <th>TO</th> </tr> </thead> <tbody> <tr> <td>Clay cement</td> <td>0</td> <td>360'</td> </tr> <tr> <td>Cement Sand</td> <td>360'</td> <td>400'</td> </tr> <tr> <td>Hard Sandstone</td> <td>400'</td> <td>510'</td> </tr> <tr> <td>Sand Gravel</td> <td>510'</td> <td>520'</td> </tr> <tr> <td>Hard Cement Sand</td> <td>520'</td> <td>540'</td> </tr> <tr> <td>Coarse Sand</td> <td>540'</td> <td>580'</td> </tr> <tr> <td>Sandy Clay</td> <td>580'</td> <td>650'</td> </tr> </tbody> </table>		FORMATION	DEPTH		FROM	TO	Clay cement	0	360'	Cement Sand	360'	400'	Hard Sandstone	400'	510'	Sand Gravel	510'	520'	Hard Cement Sand	520'	540'	Coarse Sand	540'
FORMATION	DEPTH																										
	FROM	TO																									
Clay cement	0	360'																									
Cement Sand	360'	400'																									
Hard Sandstone	400'	510'																									
Sand Gravel	510'	520'																									
Hard Cement Sand	520'	540'																									
Coarse Sand	540'	580'																									
Sandy Clay	580'	650'																									
Well completion Date <u>10-16-23</u>				STATIC WATER LEVEL <u>63.2</u> FEET If flowing: closed in pressure <u>60</u> PSI GPM flow <u>300</u> through <u>4"</u> Inch pipe Controlled by ☒ Valve ☐ Reducers ☐ Other Reduced flow rate <u>300</u> GPM Can well be completely shut in? <u>Yes</u>																							
Distance from nearest potential pollution source (Septic tank, abandoned well, feed lot, etc.) <u>?</u> ft. from <u>Wolf Creek School</u> (identify source)																											
PROPOSED USE: ☐ Domestic/Stock ☒ Municipal ☐ Business ☐ Monitoring Well ☐ Irrigation ☐ Industrial ☐ Institutional ☐ Test Hole ☐ Dewatering Well ☐ Geothermal ☐ Other																											
METHOD OF DRILLING: <u>Reverse Rotary</u>																											
CASING DATA: ☒ Steel ☐ Plastic ☐ Other If other describe																											
PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER																							
LB/FT	12	IN	0	FT	460																						
				FT	20																						
LB/FT	12	IN	640	FT	650																						
				FT	20																						
LB/FT		IN	FT	FT	IN																						
GROUTING DATA: Grout Type <u>Bentonite</u> No. of Sacks <u>42</u> Grout Weight <u>42</u> Lb/gal From <u>452</u> Ft To <u>42</u> Ft <u>Neat Cement</u> Lb/gal <u>42</u> Ft <u>7</u> Ft Describe grouting procedure																											
SCREEN: ☒ Perforated pipe ☐ Manufactured Diameter <u>12</u> Inches Length <u>180</u> Feet Material <u>Stainless Steel</u> Slot Size <u>.025</u> Set From <u>460</u> Feet to <u>640</u> Feet Other information																											
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? <u>Chlorine</u> ☐ No, Why Not?																											
Lab sample sent to for water quality analysis <u>Mid Continent Labs - Rapid City</u>																											
This well was drilled under license # <u>273</u> And this report is true and accurate. Drilling firm: <u>Sargent Drilling Co.</u> Signature of License Representative: <u>Mildred Whitesell</u> Signature of Well Owner or Equitable Property Holder: <u>Bryan Brewer</u> Date: <u>12-29-23</u>																											

RECEIVED

IAN 16 2024

OFFICE OF
WATER

Please return White Copy to DANR Water Rights 523 E. Capitol Ave., Pierre SD 57501