

WATER PERMIT NO. 2839-2

Name of Applicant: **Platte Hutterian Brethren Inc**

Address: **35271 270th St, Platte SD 57369** Phone: **605 680-2608**

Amount of Water Claimed: **4.00 cfs** Total Acres: **280**

Source of Water Supply: **groundwater (two wells)**

Water to be used for: **Irrigation** County: **Bennett**

Type of Waste Disposal System:

Location: **12 miles southeast of Martin**

PRIORITY Date Received: **2-1-22** Application/License Fee: **\$100**

Corrected Application Received: Period of Annual Use: **April 1 – October 31**

Remarks:

Reinstatement of Water Permit No. 2739-2

Diversion Point: **near centers of NW 1/4 and NE 1/4 Sec 31-T37N-R35W**

Land to be Irrigated: **N 1/2 Sec 31-T37N-R35W**

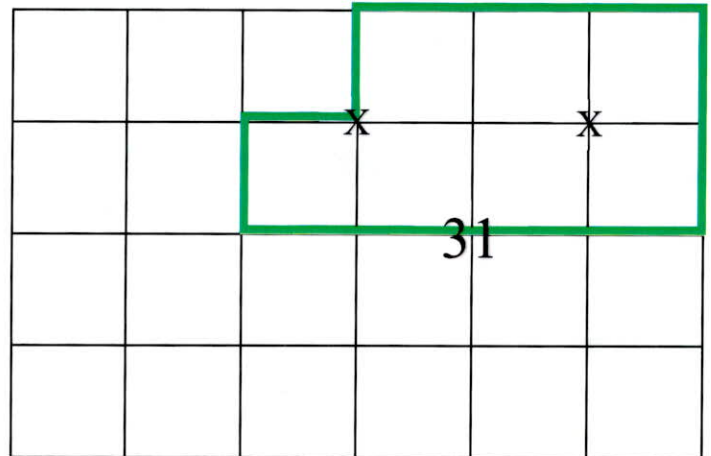
Depth of Well: **400 to 500 feet deep**

Well Driller:

Remarks:

Type of Map: **aerial photo**

Prepared by:



Reviewed and the Number Assigned on: **2-08-22**

By: **Ron Duvall**

Notice of Hearing - date to intervene: _____

SOUTH DAKOTA
WATER PERMIT NO. 2839-2

Date of first receipt of application February 1, 2022.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 2839-2 to Platte Hutterian Brethren Inc, c/o Dale Stahl, 35271 270th St, Platte SD 57369 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. 2839-2 reinstates Water Permit No. 2739-2. This permit appropriates a maximum pump rate of 4.00 cubic feet of water per second from two wells (approximately 400 to 500 feet deep) to be completed into the Arikaree aquifer located near the centers of the NE 1/4 and NW 1/4 section 31 for irrigation of 280 acres located in the N 1/2 section 31; all in T37N-R35W. This site is located approximately 12 miles southeast of Martin SD.
2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: April 1 – October 31.
3. The date from which applicant may claim right is February 1, 2022.
4. The date of approval of Permit No. 2839-2 is April 18, 2022.
5. One-fifth of the construction is to be completed on or before October 18, 2024.
6. All construction is to be completed on or before April 18, 2027.
7. Water is to be put to beneficial use on or before April 18, 2031.
8. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. The wells approved under Water Permit No. 2839-2 are located near domestic wells and other wells which may obtain water from the same aquifer. Water withdrawals 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 wells authorized by Permit No. 2839-2 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
3. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

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

APR 28 2022
date



FORM 2: Application for irrigation in South Dakota
(type or print)

RECEIVED

FEB 01 2022

WATER RIGHTS
PROGRAM

Mail to: DENR - Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. <u>2839-2</u>	(office use only) Hydrologic Unit <u>10140208</u>
	Basin <u>White River</u>	
	Newspaper <u>Bennett County Booster II</u>	
	<u>Rapid City Journal</u>	

Application For Permit To Appropriate Water For Irrigation

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

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

reinstate of Water Permit No. 2739-21. Name to Appear on Irrigation Permit Platte Hutterian Brethren Inc

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

Mailing Address 35271 270th Street Platte SD 57369
(Address) (City) (State) (Zip Code)Phone 605-726-3142 Mobile 605-680-2608 Email snakcreek@midstatesd.net2. Amount of water claimed 4.0 *CFS or 1,900 **GPM ***AF Total Acreag 28.0
(*Cubic Feet per Second) (**Gallons per Minute) (**Acre Feet - storage capacity of dam/dugout or annual use if applicable)3. Source of water supply Ground Water4. Location of point of diversion approximate center of NE 1/4 of NW Section 31, T37N, R35W
(example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) County Bennett5. County or counties where water will be used Bennett6. Annual period during which water is to be used April 1 - October 317. List below each forty acre division, or lot, or fraction thereof and show number of acres to be irrigated in each.
(Attach sheet if more space is needed)

Land Description	Acres	Land Description	Acres
<u>NW 1/4 Section 31, T37N, R35W</u>	<u>120</u>		
<u>NE 1/4 Section 31, T37N, R35W</u>	<u>160</u>		

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

Develop new irrigation in NW 1/4 Section 31, T37N, R35WI, Dale Stoltz, 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 2 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) _____ Depth to Top of Water Bearing Material _____ Depth to Water from Surface _____

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

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)

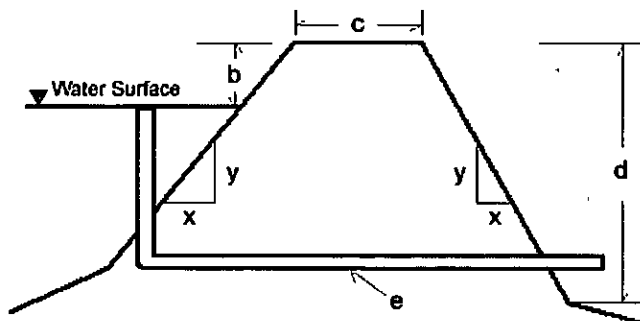
Upstream _____

Downstream _____

h) Surface Area of Impoundment _____

i) Storage _____ Acre Feet

j) Drainage Area Above Dam _____ Acres



Water Permit Application for Platte Hutterian Brethren



1,000 500 0 1,000 Feet

RECEIVED

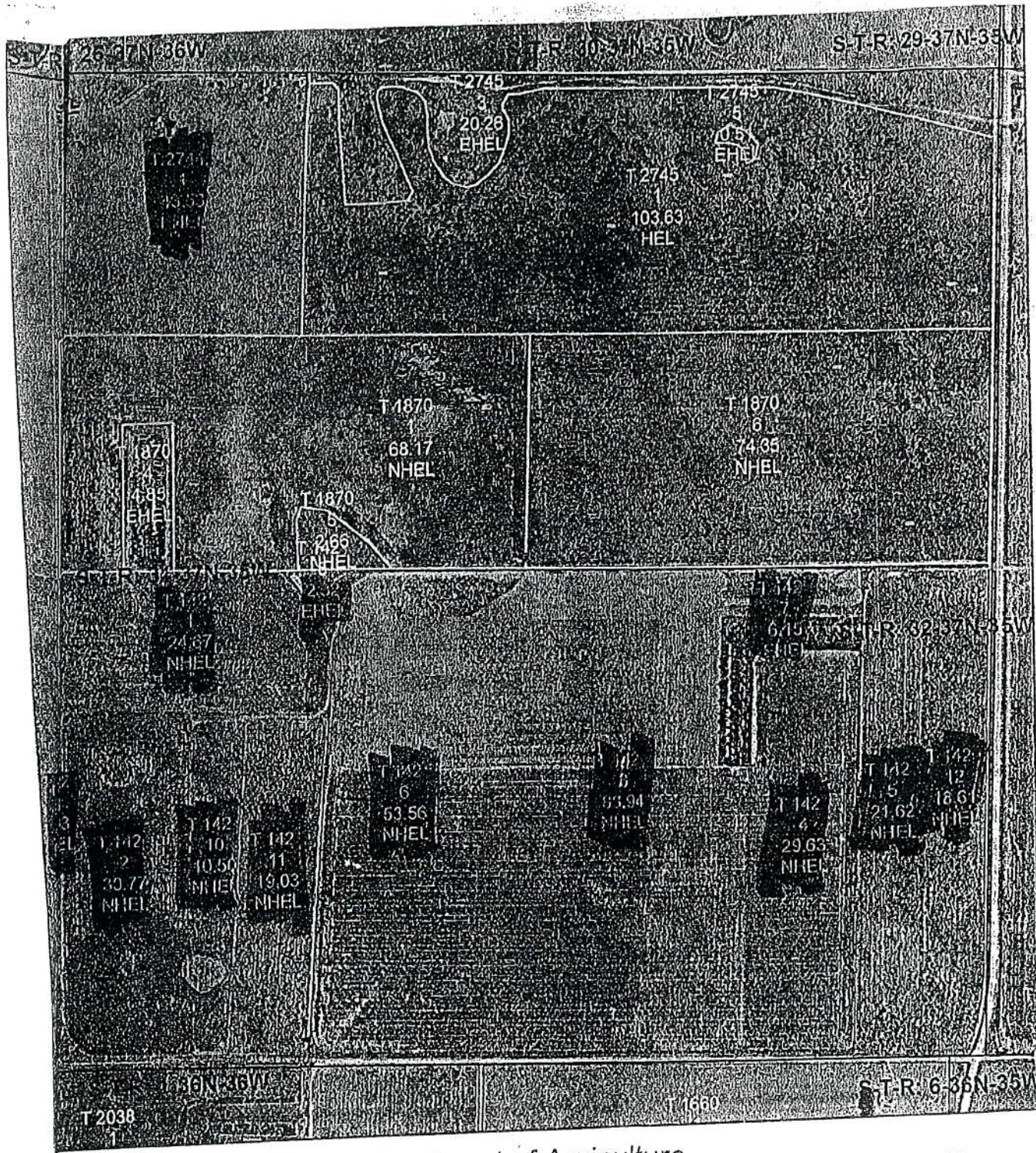
APR 22 2015

WATER RIGHTS
PROGRAM

Eric Gronlund

Eric Gronlund, Water Rights Program, DENR
April 22, 2015 based on representation by
Dale Stahl, Platte Hutterian Brethren





USDA United States Department of Agriculture
Farm Service Agency

December 17, 2013

PLSS: 31_37N_35W **Bennett County, SD**
farm: 2242 1:8,698



Disclaimer: Wetland identifiers do not represent the size, shape or specific determination of the area.
Refer to your original determination (CPA-026 and attached maps) for exact wetland
boundaries and determinations, or contact NRCS.

Duvall, Ron

From: Dale Stahl <snakcreek@midstatesd.net>
Sent: Tuesday, February 1, 2022 11:12 AM
To: Duvall, Ron
Subject: FW: [EXT] reinstatement of Water Permit NO.2739-2-SEE ATTACHED
Attachments: 20220201074913016.pdf

Good Morning

Lets go back to original 280 acres we will make that work-see attached
Thanks

From: Schlaak, Karen [mailto:Karen.Schlaak@state.sd.us]
Sent: Monday, January 31, 2022 2:27 PM
To: snakcreek@midstatesd.net
Subject: FW: reinstatement of Water Permit NO.2739-2-SEE ATTACHED

Dale,

Eric forwarded your email to me for review.

Attached is a copy of Water Permit No. 2739-2 and the map. The permit was issued for irrigation of 280 acres not 320 acres as you listed on the application form. A permit can not be reinstated for more than the permitted amounts.

NW ¼ Section 31-T37N-R35W	120 acres
NE ¼ Section 31-T37N-R35W	<u>160 acres</u>
Total	280 acres

Please make the necessary changes on the application and submit with the filing fee.

The filing fee will be \$100.00 and can be mailed to the: Water Rights Program, Attn: Karen, 523 E Capitol, Pierre SD 57501

I will be out of the office after today so if you have questions, contact Eric.

Karen Schlaak

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



From: Dale Stahl <snakcreek@midstatesd.net>
Sent: Monday, January 31, 2022 11:26 AM
To: Gronlund, Eric <Eric.Gronlund@state.sd.us>
Subject: [EXT] reinstatement of Water Permit NO.2739-2-SEE ATTACHED

Good Day Eric

Could you please give me a hand on reinstating water permit 2739-2 ,or do I need to run to Pierre ,hoping we can get permit by emailing back and forth,also can I send check for filing fee or do you need credit card.

Let me know what else you need from me,

How rushing can we get it approved.

THANKS

Dale Stahl

Platte Hutterian Brethren Inc.

35271 270th Street

Platte, SD 57369

Office: 605-726-3142

Cell: 605-680-2608

Good Day Eric

Could you please give me a hand on reinstating water permit 2739-2 ,or do I need to run to Pierre ,hoping we can get permit by emailing back and forth,also can I send check for filing fee or do you need credit card.

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THANKS

Dale Stahl

Platte Hutterian Brethren Inc.

35271 270th Street

Platte, SD 57369

Office: 605-726-3142

Cell: 605-680-2608

RECEIPT

WATER RIGHTS PROGRAM South Dakota Department of Agriculture and Natural Resources

Date February 4, 2022

RECEIVED OF Platte Hutterian Brethren Inc. 35271-270th Street Platte SD 57369-6007

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

Fee for Application for Permit No. <u>2839-2</u> to Appropriate Water, to construct and to put water to beneficial use	\$ <u>100.00</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. _____	\$ _____
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>100.00</u>

By Eric Gronlund
Chief Engineer
me



**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. 2839-2, Platte Hutterian Brethren Inc.**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Water Permit Application No. 2839-2, Platte Hutterian Brethren Inc, 35271 270th Street, Platte SD 57369.

The Chief Engineer is recommending APPROVAL of Application No. 2839-2 to reinstate Water Permit No. 2739-2 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. 2839-2 are located near domestic wells and other wells which may obtain water from the same aquifer. Water withdrawals 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 wells authorized by Permit No. 2839-2 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
3. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

See report on application for additional information.

Eric Gronlund, Chief Engineer
March 22, 2022

Report to the Chief Engineer

On Water Permit Application No. 2839-2

Platte Hutterian Brethren Inc.

March 22, 2022

Water Permit Application No. 2839-2 proposes to reinstate Water Permit No. 2739-2. Water Permit Application No. 2839-2 proposes to divert water at a maximum instantaneous diversion rate of 4.0 cubic feet of water per second (cfs) from two wells (approximately 400 and 500 feet deep) to be completed into the Arikaree aquifer located near the centers of the NE $\frac{1}{4}$ and NW $\frac{1}{4}$ of Section 31 for the irrigation of 280 acres located in the N $\frac{1}{2}$ of Section 31; all in T37N-R35W. The site of interest is located in Bennett County approximately twelve miles southeast of Martin, SD.

The construction period authorized for Water Permit No. 2739-2 has expired (Water Rights, 2022c). Water Permit No. 2739-2 is subject to cancellation due to expiration of the construction period.

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 is generally found at depths approximately 0 to 620 feet below the ground surface (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. 2839-2. Within approximately five miles of the proposed diversion points, water well and test hole completion reports, and lithologic logs, on file have saturated aquifer thicknesses ranging from approximately 140 to 310 feet, with the depth to the top of aquifer materials ranging from approximately 0 to 10 feet below the ground surface, and static water levels varying between 10 to 125 feet below the ground surface at the time of well completion (SDGS, 2022; Water Rights, 2022d). Based on the well and test hole completion reports, and lithologic logs on file with the DANR-Water Rights Program, near the proposed diversion points, the Arikaree aquifer is

expected to be unconfined near the proposed diversion points (SDGS, 2022; Water Rights, 2022d).

South Dakota Codified Law (SDCL) 46-2A-8.1

Pursuant to SDCL 46-2A-8.1, “The Water Management Board may reinstate any water permit with a priority date after March 31, 1977, if unappropriated water is available and construction necessary to put water to beneficial use was not completed pursuant to SDCL 46-2A-8 or 46-5-26. Any application under this section shall be made within three years of the expiration of the original construction period pursuant to chapter 46-2A. The priority date for the application to reinstate a permit shall be the date the application to reinstate is filed.” The construction period authorized for Water Permit No. 2739-2 was to be completed on or before July 27, 2020 (Water Rights, 2022c).

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. 2839-2 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.” The Arikaree aquifer is not older than or stratigraphically lower than the Greenhorn Formation (Fahrenbach et al., 2010), and the applicant’s proposed use is not for use in a water distribution system as defined by SDCL 46-1-6(17). 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). Additionally, there is one pending permit application – Water Permit Application No. 2837-2 requesting up to 50 acre-feet of water annually for institutional and water distribution system use (Water Rights, 2022c). The estimated use for Water Permit Application No. 2837-2 is included with the non-irrigation water rights/permits in this analysis.

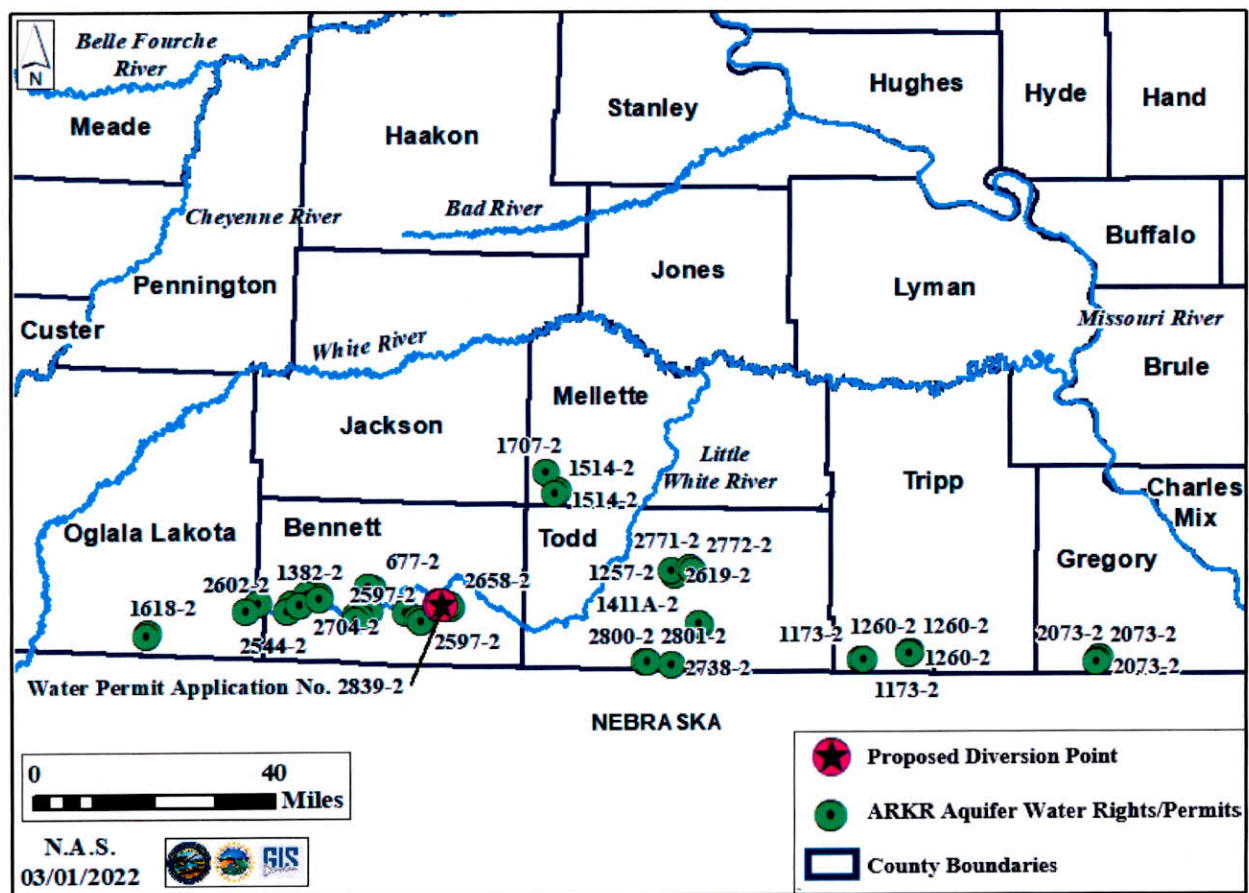


Figure 1. Location of the proposed diversion points for Water Permit Application No. 2839-2 with the water rights/permits currently authorized to appropriate water from the Arikaree aquifer (Water Rights, 2022c)

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, plus the estimated use for the pending permit - Water Permit Application No. 2837-2, 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 withdrawals from the Arikaree aquifer by non-irrigation water rights/permits is approximately 1,036.1 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
2837-2	Oglala Lakota County School District 65-1	INS	<i>pending</i>	0.67	50	50
					TOTAL:	1,036.1
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 annual usage 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).

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

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 Rosebud Sioux Tribe manages water withdrawals from the High Plains aquifer system for water users on tribal trust land within the boundaries of the Rosebud Indian Reservation. However, the withdrawal from the Arikaree aquifer by tribe members on tribal trust land is not known. One study, completed by Valseeth and Driscoll (2020), compiled data for selected irrigation and municipal wells operated by the Rosebud Sioux Tribe. However, it is not likely all municipal and irrigation wells that are operated by the tribe were included, because the report notes these are selected wells. Furthermore, many of the wells do not include well depth or aquifer assignment to determine if the wells are completed into the Arikaree aquifer. The data does not include an estimated annual volume pumped from each well, just an estimated mean production (pumping) rate.

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 3,063 acre-feet per year (non-irrigation (including pending permit): 1,036.1 acre-feet/year; irrigation: 2,027 acre-feet/year). If Water Permit Application No. 2839-2 is approved, and assuming a one foot per authorized acre per year application rate, the estimated average annual withdrawal rate for Application No. 2839-2 is approximately 280 acre-feet per year. If Water Permit Application No. 2839-2 is approved, the estimated average annual withdrawal rate from the Arikaree aquifer would be approximately 3,343.1 acre-feet per year (non-irrigation (including pending permit): 1,036.1 acre-feet/year; irrigation: 2,027 acre-feet/year; Water Permit Application No. 2839-2 (if approved): 280 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.

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 five closest observation wells to the proposed diversion points are BT-78G (approximately 0.5 miles northeast), BT-83D (approximately three miles southeast), BT-78F (approximately five miles southwest), BT-77F (approximately 5.5 miles west), and BT-83E (approximately six miles southeast) (as shown in Figure 2). The hydrographs for these observation wells are displayed in Figures 3 to 7 (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.

The hydrographs for the observation wells display stable to increasing water levels over their respective periods of record. The hydrographs for these five 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 7 (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.

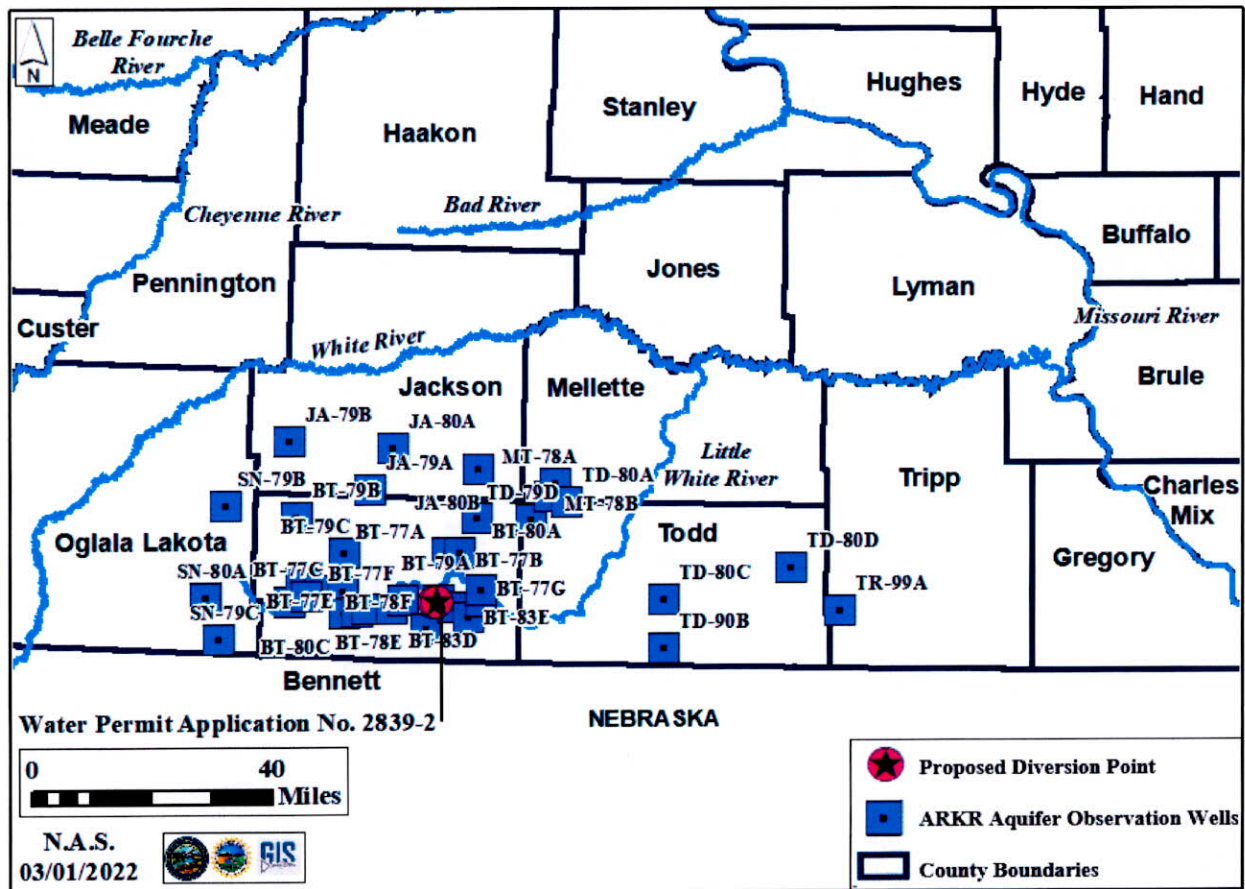


Figure 2. Location of the proposed diversion points for Water Permit Application No. 2839-2 with the observation wells completed into the Arikaree aquifer (Water Rights, 2022c)

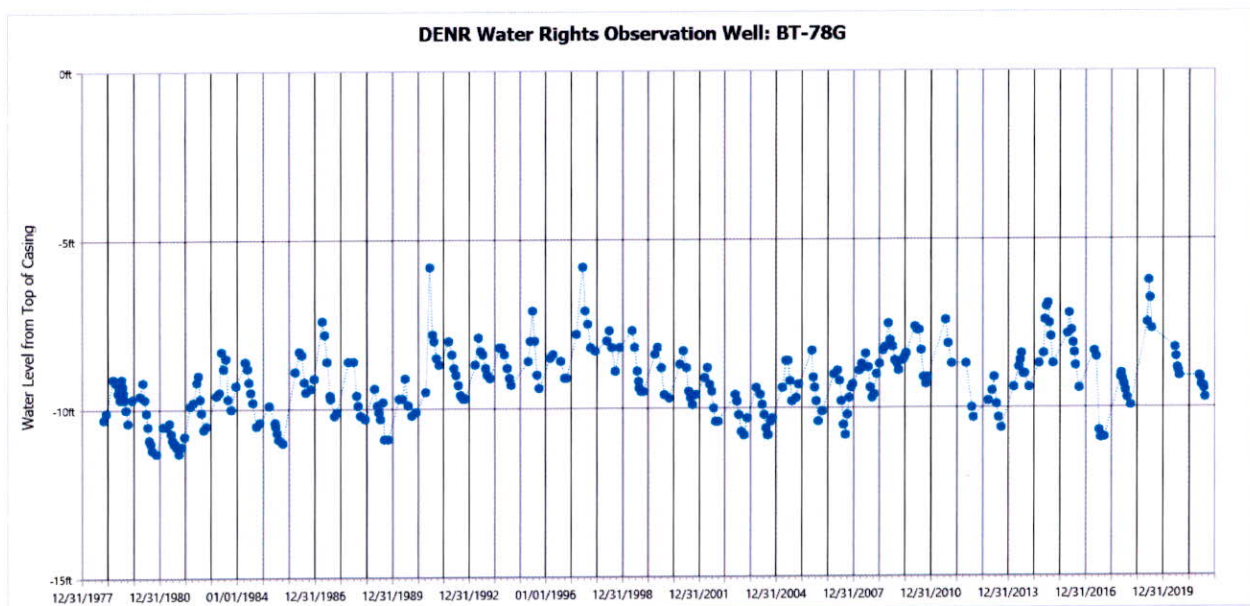


Figure 3. Hydrograph for observation well BT-78G (Water Rights, 2022b)

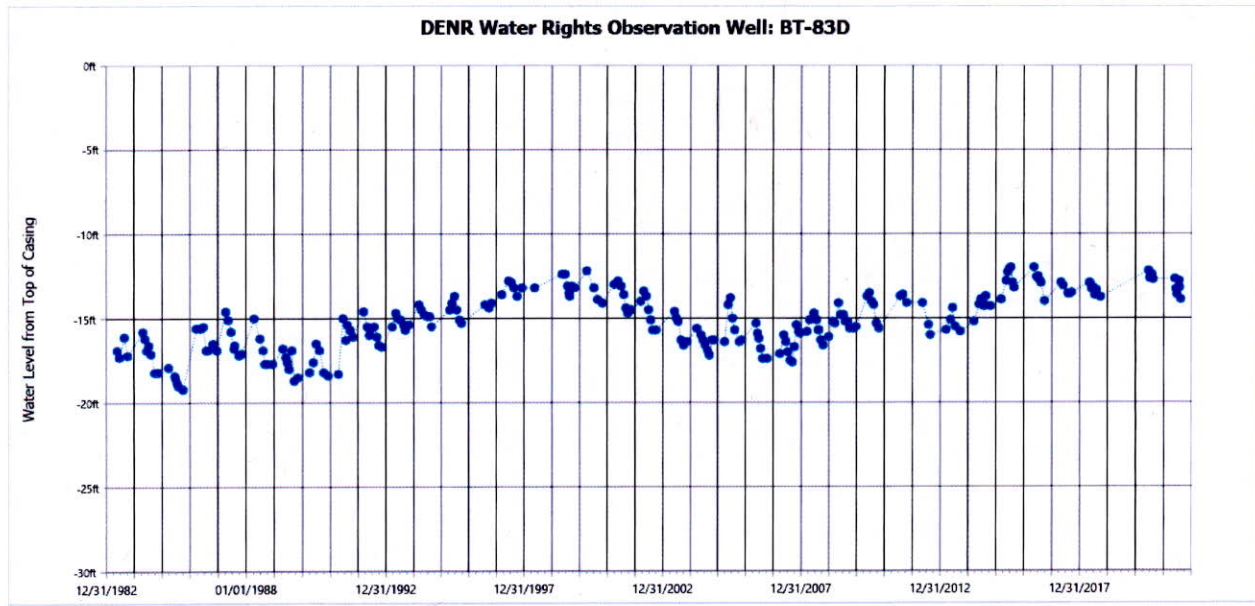


Figure 4. Hydrograph for observation well BT-83D (Water Rights, 2022b)

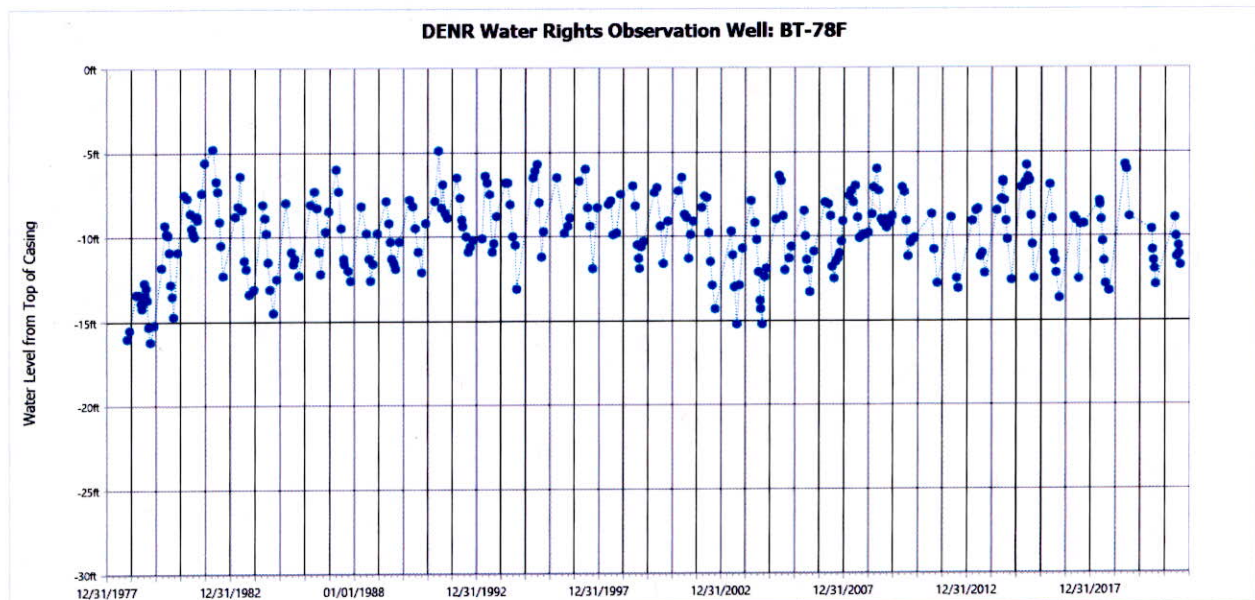


Figure 5. Hydrograph for observation well BT-78F (Water Rights, 2022b)

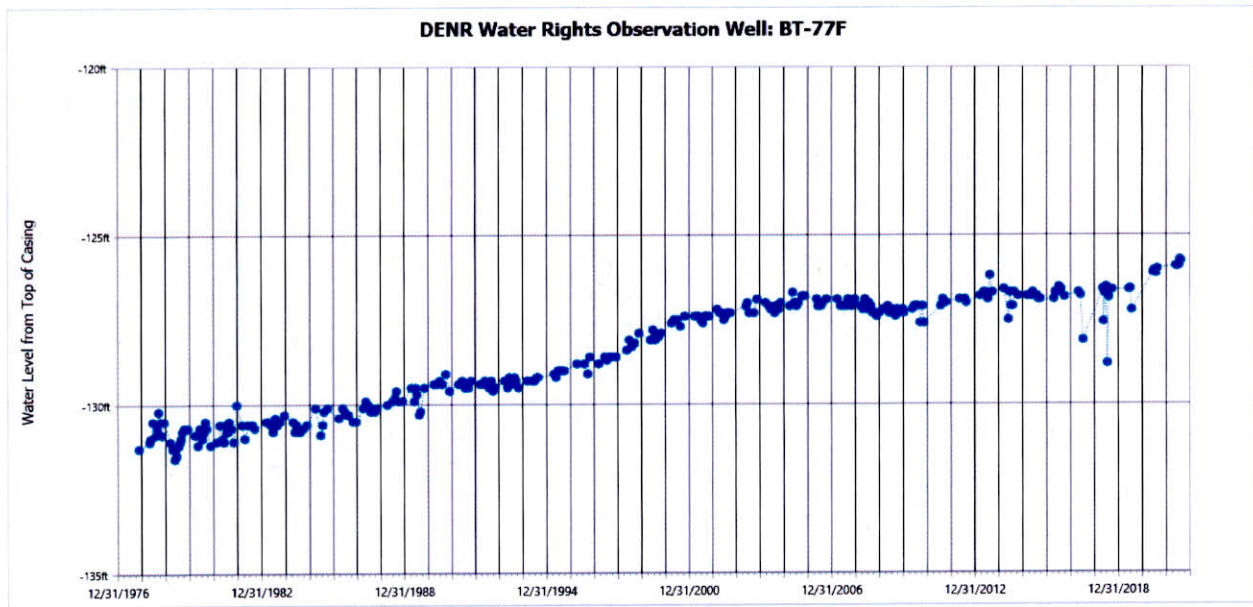


Figure 6. Hydrograph for observation well BT-77F (Water Rights, 2022b)

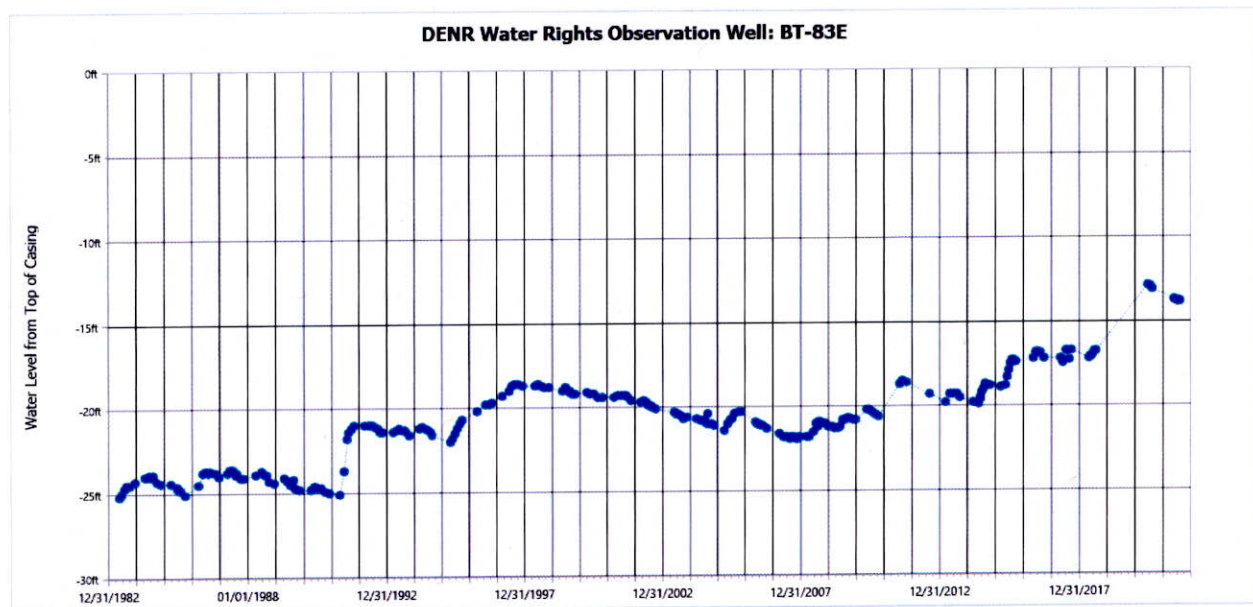


Figure 7. Hydrograph for observation well BT-83E (Water Rights, 2022b)

POTENTIAL FOR UNLAWFUL IMPAIRMENT OF EXISTING WATER RIGHTS:

Currently, there are 37 water rights/permits authorized to appropriate water from the Arikaree aquifer, plus one pending application (Water Rights, 2022c). The closest water right/permit (not held by the applicant) to the proposed diversion points is Water Permit No. 2651A-2, which is held by the Estate of James Riley Wallingford. The diversion point for Water Permit No. 2651A-2 is located approximately 1.3 miles east of the proposed diversion points for this application (Table 4) (Figure 8) (Water Rights, 2022c).

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

Table 4. Arikaree aquifer water rights/permits within approximately eight miles of the proposed diversion points, as shown in Figure 8 (Water Rights, 2022c)

Permit No.	Name	Status	Use	Acres if IRR	Authorized Diversion Rate (cfs)
1003-2	Slattery Brothers Inc	LC	IRR	135	1.78
2478-2	Martin J Vanderploeg	LC	FWP		0.1
2597-2	US Fish & Wildlife Service	LC	DOM		0.038
2651A-2	Estate of James Riley Wallingford	PE	IRR	132	1.89
2658-2	Estate of James Riley Wallingford	LC	IRR	132	1.56
2739-2	Platte Hutterian Brethren	PE	IRR	280	4
LC: Licensed Water Right; PE: Water Permit;					
DOM: Domestic; FWP: Fish and Wildlife Propagation; IRR: Irrigation					

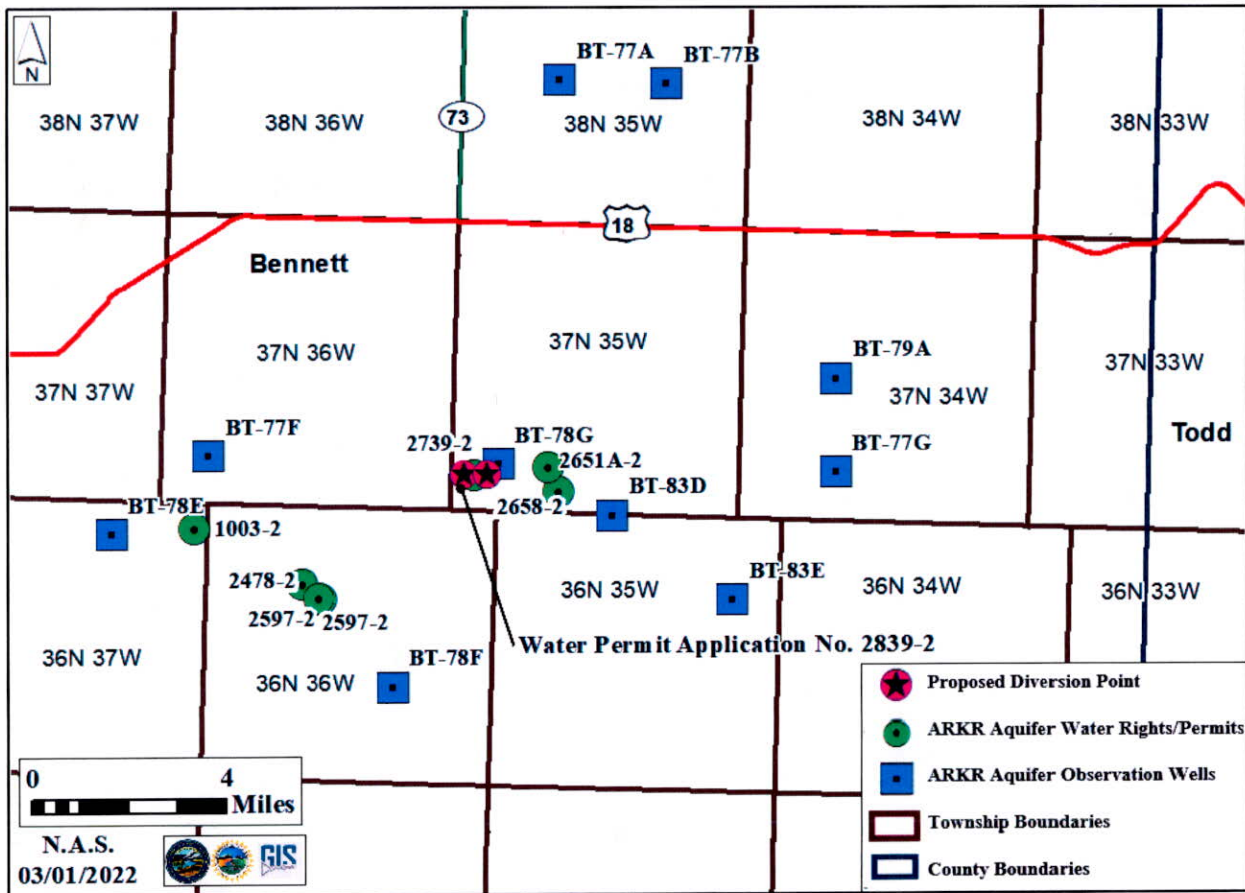


Figure 8. Location of proposed diversion points for Water Permit Application No. 2839-2 with the Arikaree aquifer water rights/permits and observation wells within approximately eight miles (Water Rights, 2022b and 2022c)

The Arikaree aquifer varies between confined and unconfined aquifer conditions (Carter, 1998). Based on the well and test hole completion reports, and lithologic logs on file, within five miles of the proposed diversion points, the Arikaree aquifer is expected to be unconfined near the proposed diversion points (SDGS, 2022; 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 points. 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 five miles of the proposed diversion points, water well and test hole completion reports, and lithologic logs, on file have saturated aquifer thicknesses ranging from approximately 140 to 310 feet (SDGS, 2022; 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

Bennett or Todd Counties, there are no substantiated complaints on file with the DANR-Water Rights Program regarding well interference for adequate wells completed into the Arikaree aquifer (Water Rights, 2022e).

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 points, the lack of drawdown in the Arikaree observation wells shown on the hydrographs, the lack of well interference complaints for adequate wells completed into the Arikaree aquifer in Bennett and Todd Counties, and the unconfined nature of the aquifer at the applicant’s proposed well sites, 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. 2839-2 proposes to reinstate Water Permit No. 2739-2. Water Permit Application No. 2839-2 proposes to divert water at a maximum instantaneous diversion rate of 4.0 cubic cfs from two wells (approximately 400 and 500 feet deep) to be completed into the Arikaree aquifer for the irrigation of 280 acres. The site of interest is located in Bennett County approximately twelve miles southeast of Martin, SD.
2. The construction period authorized for Water Permit No. 2739-2 has expired (Water Rights, 2022c). Water Permit No. 2739-2 is subject to cancellation due to expiration of the construction period.
3. 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.
4. There is a reasonable probability that the proposed diversion by Water Permit Application No. 2839-2 will not unlawfully impair adequate wells for existing water right/permit holders and domestic users.



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

Reviewed by:



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.

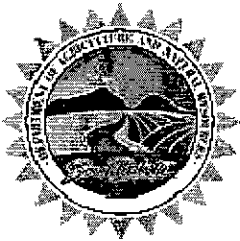
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- Water Rights, 2022c. Water Right/Permit Files, SD DANR-Water Rights Program, Joe Foss Bldg, Pierre, SD.
- Water Rights, 2022d. Well Completion Reports, SD DANR-Water Rights Program, Joe Foss Bldg, Pierre, SD.
- Water Rights, 2022e. County Files, 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: Wednesday, March 23, 2022 11:20 AM
To: snakcreek@midstatesd.net
Subject: Water Permit Application No. 2839-2
Attachments: 3109.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>



*** Proof of Publication ***

STATE OF SOUTH DAKOTA)

County of Pennington)

SS:

S.D. DANR - Ground Water
GROUND WATER PROGRAM
523 E CAPITOL AVE
PIERRE SD 57501

RECEIVED

APR 12 2022

WATER RIGHTS
PROGRAM

ORDER NUMBER 44864

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

8 day of April, 20 22
Karisee Carver

Section: Legal

Category: 0072 Public Notices

PUBLISHED ON: 04/08/2022

TOTAL AD COST: 69.12

FILED ON: 4/8/2022

Subscribed and sworn to before me this

8th day of April, 20 22

Kelly L. Kanaan Notary Public

My commission expires

Jan 17, 20 25

RECEIVED

APR 11 2022

INSPECTION COMPLIANCE
AND REMEDIATION

Apr. 8 L44864
NOTICE OF APPLICATION NO. 2839-2 to Appropriate Water
Notice is given that Platte Hutterian Brethren Inc, 35271 270th St, Platte SD 57369 has filed an application for a water permit to reinstate Water Permit No. 2739-2. This application is to appropriate a maximum pump rate of 4.00 cubic feet of water per second from two wells (approximately 400 to 500 feet deep) to be completed into the Arikaree aquifer located near the centers of the NE 1/4 and NW 1/4 section 31 for irrigation of 280 acres located in the N 1/2 section 31; all in T37N-R35W. This site is located approximately 12 miles southeast of Martin SD. Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2839-2 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 18, 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 18, 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 \$69.12.)

April 19, 2022

PAYMENT REQUEST FORM

PAYEE: Rapid City Journal
PO Box 450
Rapid City SD 57701

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

DESCRIPTION OF SERVICE, PRODUCE OR TRANSFER

Notice for Application #2839-2 Order #44864

AMOUNT: \$69.12

FUNDING SOURCE:

GENERAL: X

FEDERAL:

OTHER:

COMMENTS:

AUTHORIZATION: *Eve Munkel* 4/19/2022

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.

Affidavit of Publication

State of South Dakota

County of Bennett

RECEIVED

APR 04 2022

WATER RIGHTS
PROGRAM

Taylor Risse, being, first duly sworn, on oath, says: That he/she is an employee of Scherer Publishing, LLC, and that the **Bennett County Booster** is, and during all the times hereinafter mentioned was, a weekly legal newspaper as defined in the SDCL 17-2-2.1 through the 17-2-2.4 inclusive; that said newspaper has been published within the said county of Bennett and State of South Dakota, for at least one year prior to the first publication of the attached public notice, and that the printed copy of which, taken from the paper in which the same was published, and which is hereto attached and made a part of this affidavit, was published in said newspaper for **1** successive week(s) to wit:

March 30, 2022

That the full amount of the fee charged for the publication of the attached public notice, **\$48.91** insures to the sole benefit of the publisher or publishers; that no agreement or understanding for the division thereof has been made with any other person, and that no part thereof has been agreed to be paid to any person whomsoever; that the fees charged for the publication thereof are:

Signed.

Taylor Risse

Subscribed and sworn to before me this 30 day of March, 2022.

Notary Public

Mandy K. Scherer

My Commission Expires
December 9, 2027



APR 04 2022

WATER RIGHTS PROGRAM

Legal Notices

Notice of Public Hearing

The Bennett County School District 3-1 is having a public hearing at the Bennett County High School Study Hall to discuss the Indian Education Grant.

The time and date of the meeting will be at 6:30 p.m. on March 30, 2022.

All programs for the 2021-2022 school year will be reviewed and recommendations for the Indian Education 2022-2023 school year will be discussed.

For further information contact Stacy Halverson, Superintendent, at 605-685-6112.

Published twice at the total approximate cost of \$19.65.

Published: March 23, 30, 2022.

Request for Bids

Bennett County School District is accepting bids for removal of a one car garage from the Superintendent house located at 101 Ave. B. Removal must be by May 1, 2022.

This removal must be coordinated with Bennett County School District.

More information can be obtained by contacting the Bennett County School District at 605-685-6112.

Bids may be dropped off at the Administrative Office located at 403 1st Avenue, between the hours of 8:00 a.m. and 4:30 p.m., Monday through Thursday.

All bids must be received by April 5, 2022 at 4:30 p.m.

Published twice at the total approximate cost of \$19.65.

Published: March 23, 30, 2022.

School Land Lease Auction

A school land lease auction will be held at the Bennett County Courthouse (Commissioners Room) in Martin, SD on April 11, 2022 at 10:00 a.m. (MT).

A list of tracts available for lease may be obtained at the Bennett County Auditor's Office or by contacting the Office of School & Public Lands, 500 E Capitol Avenue, Pierre, SD 57501-5070 or phone (605)773-3303. You may also visit the SPL website www.splpubliclands.com. Phone bidding will be allowed on a recorded conference line at 1-888-777-1312 with access code 188920204. Disabled individuals needing assistance should contact the Office of School and Public Lands at least 48 hours in advance of the auction to make any necessary arrangements.

Published four times at the total approximate cost of \$41.99.

Published: March 16, 23, 30, April 6, 2022.

Notice Of Meeting
Of County Equalization Board
SDCL 10-11-25

NOTICE IS HEREBY GIVEN THAT the Board of County Commissioners, sitting as a County Board of Equalization of Bennett County, South Dakota will meet in the Courtroom in said County on WEDNESDAY, the 21st day of April, 2022 at 3:30 p.m., for the purpose of reviewing, correcting and equalizing the assessment of said County for the year 2022.

All persons considering themselves aggrieved by said assessment are required to submit written notice to the County Auditor no later than April 5, 2022.

Lindsay Little Eagle, Bennett County Auditor
Bennett County

Dated March 14, 2022

Published twice at the total approximate cost of \$27.51

Published: March 23, 30, 2022

Notice of School Board Election

A School Board Election will be held on Tuesday, April 12, 2022, in Bennett County, South Dakota.

If the polls cannot be opened because of bad weather, the election may be postponed one week.

The election polls will be open from (7:00) seven o'clock a.m. to (7:00) seven o'clock p.m. Mountain Daylight time on the day of the election.

At the election the following offices will be filled:

Board of Education (1) 3 Year Term - At Large:

Timberly D. Palmer

Kasi Harris

Dallas Keith Louden

The polling place in each precinct of this school district is as follows:

Tutthill/Vetal Precinct - Vetal Fire Hall

Martin Rural 26/27 - Library Community Room

City of Martin - Library Community Room

Allen Precinct - Allen CAP office

Voters with disabilities may contact 685-6112 for information and special assistance in absentee voting or polling place accessibility.

Karen Coyle

Co-Business Manager

Jolene Robinson

Co-Business Manager

Published twice at the total approximate cost of \$36.68

Published: March 30, April 6, 2022

Notice of Hearing

STATE OF SOUTH DAKOTA	ISS	IN CIRCUIT COURT
COUNTY OF Bennett		6th JUDICIAL CIRCUIT
In the Matter of the Petition of		
George Tommy		CIV. 22-12
(Current Name)		
For a Change of Name to		Notice of Hearing
Tommy Gunn Tenfingers		For Adult Name Change
(Proposed Name)		

NOTICE IS HEREBY GIVEN A Verified Petition for Adult Name Change has been filed by George Tommy the object and prayer of which is to change Petitioner's name from George Tommy to Tommy Gunn Tenfingers. On the 13 day of May, 2022, at the hour of 1:00 p.m., said verified petition will be heard by this Court before the Honorable Margo Northrup Presiding, at the Court Room in the Bennett County Courthouse, City of Martin, Bennett County, South Dakota, or as soon thereafter as is convenient for the court. Anyone may come and appear at that time and place and show reasons, if any, why said name should not be changed as requested.

Dated this 25 day of March, 2022, at Martin, South Dakota.

/s/ Rebecca J. Klauert

Clerk of Court

Published four times at the total approximate cost of \$75.00

Published: March 30, April 6, 13, 20, 2022

Notice Of Application
No. 2839-2 to Appropriate Water

Notice is given that Platte Hutterian Brethren Inc. 35271 270th St, Platte SD 57369 has filed an application for a water permit to restate Water Permit No. 2739-2. This application is to appropriate a maximum pump rate of 4.00 cubic feet of water per second from two wells (approximately 400 to 500 feet deep) to be completed into the Arikaree aquifer located near the centers of the NE1/4 and NW1/4 section 31 for irrigation of 280 acres located in the N1/2 section 31, all in T37N-R35W. This site is located approximately 12 miles southeast of Martin SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2839-2 with qualifications because 1) unappropriated water is available, 2) existing domestic water uses and water rights will not be unreasonably 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 11, 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 11, 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 \$48.91

Published: March 30, 2022

Notice to Creditors

STATE OF SOUTH DAKOTA	SS	IN THE CIRCUIT COURT
COUNTY OF Bennett		SIXTH JUDICIAL CIRCUIT

Estate of
Larry Ellis,
Deceased.

Case No. PR 22-02

Notice to Creditors

Notice is given that on March 9, 2022, Lonna Johnson whose address is 24178 290th St., Tutthill, SD 57574 and Pamela Young, whose address is 24574 Richfield Loop, Council Bluffs, IA 51503, were appointed as Co-Personal Representatives of the estate of Larry Ellis.

Creditors of decedent must file their claims within four months after the date of the first publication of this notice or their claims may be barred.

Claims may be filed with the Attorney for the Estate, or may be filed with the Clerk of Court and a copy of the claim mailed to the Attorney for the Estate.

/s/ Lonna Johnson

Lonna Johnson, Co-Personal Representative

24178 290th St.

Tutthill, SD 57574

/s/ Pamela Young

Pamela Young, Co-Personal Representative

24574 Richfield Loop

Council Bluffs, IA 51503

Bennett County Clerk of Court

PO Box 281

202 Main

Martin, SD 57551-0281

Scott D. Peterson SBSB #4265

Personal Representatives' Attorney

Peterson Reed, LLP

P.O. Box 46

Valentine, NE 69201

Telephone: (402) 376-2271

Published three times at the total approximate cost of \$90.72

Published: March 16, 23, 30, 2022

Bennett County Booster - 605-685-6866



OGLALA SIOUX LAKOTA
NURSING HOME

Help Wanted

Certified Nurse's Assistant (CNA):
Always taking Applications

Starting Wage \$ 17.00/ hr.

Day & Night Differentials; Nights Preferred currently

Qualifications:

Active CNA License

1 to 2 years' Experience Preferred, but will train and reeducate.

Ability to Work Independently

Excellent documentation and computer knowledge

Provide effective communication to patient/family, team members, your charge nurse and our health care members.

Active CPR certification preferred

Responsibilities:

How to care for and assist patients/residents with all daily living requirements, such as:

Feeding and setting up meal trays

Dressing

Making beds

Appropriately positioning residents as instructed by Charge Nurse

Providing preventative skin care

Read, interpret, and follow written and oral instructions.

Accurately document any nursing care in the clinical record, including any changes in behavior or physical status.

Obtain and record vital signs as instructed.

Answer call bells timely.

Promote a culture of Service Excellence.

Be a pleasant and supportive companion

Report any unusual incidents

Act quickly and responsibly in cases of emergency

Assist on the floor when needed and as directed by Charge Nurse

Check vital signs of residents, whether routine or whenever unusual behavior

Registered Nurse/Licensed Practical Nurse (RN/LPN)

Always taking application for Full or Part Time

Starting Wage \$ 36.00/hr. RN, \$27.00/hr. LPN

Day & Night Differentials

Qualifications:

Active RN or LPN License

Ability to relate positively to residents, their families, and work cooperatively with other employees.

Capable of maintaining regular attendance.

Ability to supervise other employees and working together to obtain resident care objectives.

Physical and sensory requirements (with or without the aid of mechanical devices): walking, reaching, climbing, bending, lifting, grasping, fine hand coordination, pushing and pulling, ability to hear and respond to pages; ability to distinguish smells, tastes and temperatures, ability to read and write, ability to communicate both verbally and in writing with residents, families, personnel, vendors and consultants; ability to remain calm under stress.

CPR Certified

Responsibilities:

Under the supervision of the Director of Nursing, the Licensed Vocational Nurse (LPN) or (RN) provides nursing care to residents as prescribed by the physician and in accordance with standards of nursing practices and regulations and supervises the Certified Nursing Assistant (CNA) staff in the delivery of direct resident care.

Benefits We offer:

• 401(k), Employer; Matches 4%

• Health Insurance; Blue Cross Blue Shield

• Dental: Ameritas

• Vision: VSP

• Life Insurance: Unum; Employer pays for a 15k policy

• Aflac

• PTO-Paid Time Off

• Paid Holidays

Applications are available on our website oslnh.com or you can call (308) 662-4020 and we will gladly bring you out an application as still aren't allowing unscheduled visitors into our facility.

We do require two forms of identification, your blood degree if you are claiming native preference, and your high school diploma.



OGLALA SIOUX LAKOTA
NURSING HOME

Help Wanted

Activities Aide: Shift Varies
Opening Date: 1/21/22 - Until Filled
Starting Wage \$ 17.00/ hr.

In this position, the activities assistant will lead group activities, one to one visits, charting, outings, transportation, and other activities for the residents at the facility. Attendance and punctuality are important to this position as the residents look forward to and depend on their activities to enhance their daily lives.

Benefits We offer:

• 401(k), Employer; Matches 4%

• Health Insurance; Blue Cross Blue Shield

• Dental: Ameritas

• Vision: VSP

• Life Insurance: Unum; Employer pays for a 15k policy

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We do require two forms of identification, your blood degree if you are claiming native preference, and your high school diploma.



OGLALA SIOUX LAKOTA
NURSING HOME

Help Wanted

Director of Nursing

The Oglala Sioux Lakota Nursing Home is a 72-bed facility located in south White Clay, Nebraska and is seeking a Director of Nursing, opening date 12-15-2021 and open until filled.

Registered Nurse license is required with supervisory skills.

We are looking for an experienced leader for our Nursing Department. The primary purpose of your job position is to plan, organize, develop and direct the overall operation of our Nursing Department in accordance with current federal, state, and local standards, guidelines, and regulations that govern our facility, and as may be directed by the Administrator and Medical Director, to ensure that the highest degree of quality care is always maintained.

Duties and Responsibilities of DON

• Supervising all nursing staff

• Reporting to higher management in the healthcare facilities

• Maintaining high standards of care for all patients

• Managing patients' data and medical records as confidential records

• Communicating with doctors, patients, and family members about patient health

• Recruiting, training, and onboarding new nursing staff

• Providing ongoing education classes

• Implementing new procedures and training Nurses on policies

Benefits Package

• Health, Eye, Dental and Life Insurances

• 401k retirement with 4% Employer match

• Paid Time Off

• Professional Development Assistance

Please contact Brittany Ross or Sunshine Oines with any additional questions, application, and to send resumes.

Phone (308) 862-4020 or email: assistant@oslnh.com

*** Proof of Publication ***

STATE OF SOUTH DAKOTA)

County of Pennington)

SS:

S.D. DANR - Ground Water
GROUND WATER PROGRAM
523 E CAPITOL AVE
PIERRE SD 57501

RECEIVED

APR 01 2022

WATER RIGHTS
PROGRAM

ORDER NUMBER 44434

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 30 day of March, 20 22.
Karisa Cornichard

Section: Legal

Category: 0072 Public Notices

PUBLISHED ON: 03/30/2022

TOTAL AD COST: 71.40

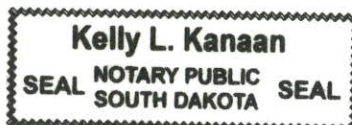
FILED ON: 3/30/2022

Subscribed and sworn to before me this

30th day of March, 20 22.
Kelly L. Kanaan Notary Public

My commission expires

Jan 17, 20 25



Mar 30 L44434
NOTICE OF APPLICATION NO.
2839-2 to Appropriate Water

Notice is given that Platte Hutterian Brethren Inc, 35271 270th St, Platte SD 57369 has filed an application for a water permit to reinstate Water Permit No. 2739-2. This application is to appropriate a maximum pump rate of 4.00 cubic feet of water per second from two wells (approximately 400 to 500 feet deep) to be completed into the Arikaree aquifer located near the centers of the NE1/4 and NW1/4 section 31 for irrigation of 280 acres located in the NE1/4 section 31; all in T37N-R35W. This site is located approximately 12 miles southeast of Martin SD. Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2839-2 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 by calling 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 11, 2022.

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(Published once at the total approximate cost of \$71.40.)

Customer Ad Proof

60010032 S.D. DANR - Ground Water

Order Nbr 44434

Publication **Rapid City Journal**

Contact S.D. DANR - Ground Water

Address 1 523 E CAPITOL AVE

Address 2

City St Zip PIERRE SD 57501

Phone 6057733351

Fax

Section Legal

SubSection

Category 0072 Public Notices

Ad Key 44434-1

Keywords Mar 30 L44434 NOTICE OF APPLIC

Notes

PO Number

Rate Open

Order Price 71.40

Amount Paid 0.00

Amount Due 71.40

Start/End Dates 03/30/2022 - 03/30/2022

Insertions 1

Size 125

Salesperson(s) Legals 90

Taken By Shawn Killinger

Ad Proof Mar 30 L44434
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This proof was sent and I didn't check it.

Customer Ad Proof

60010032 S.D. DANR - Ground Water

Order Nbr 44434

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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 11, 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 \$71.40.)

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Published once at the total approximate cost of _

Schlaak, Karen

From: Schlaak, Karen
Sent: Friday, April 1, 2022 9:49 AM
To: Rapid City Journal (legals@rapidcityjournal.com)
Subject: 2839-2, Platter Hutterian Brethren
Attachments: 2839-2public.short_final.docx; FORM8.FRM.doc

Attached is a notice to be published on April 6, 2022.

Please bill the Water Rights Program, 523 E Capitol, Pierre SD 57501

Please send the affidavit or return the attached Proof of Publication form ASAP.

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: Wednesday, March 23, 2022 11:17 AM
To: RCY Legals (legals@rapidcityjournal.com)
Subject: 2839-2, Platte Hutterian Brethren
Attachments: 2839-2public.short_final.docx; FORM8.FRM.doc

Attached is a notice to be published on March 30, 2022.

Platte Hutterian Brethren Inc., c/o Dale Stahl, 35271 270th St, Platte SD 57369 (605 680-2608) 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: Wednesday, March 23, 2022 11:17 AM
To: 'booster@gwtc.net'
Subject: 2839-2, Platte Hutterian Brethren
Attachments: 2839-2public.short_final.docx; FORM8.FRM.doc

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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 23, 2022

Platte Hutterian Brethren Inc.
c/o Dale Stahl
35271 270th St
Platte SD 57369

Dear Mr. Stahl:

Water Permit Application No. 2839-2 for irrigation use have been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice has been sent to the Bennett County Booster II printed at Martin (Ph # 605 685-6866) 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. 2839-2 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

APR 28 2022

Platte Hutterian Brethren, Inc
c/o Dale Stahl
35271 270th St
Platte SD 57369

Dear Mr. Stahl:

Enclosed is Water Permit No. 2839-2 authorizing construction of the water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

The original Water Permit No. 2738-2 is now subject to cancellation. Platte Hutterian Brethren will receive future notice scheduling No. 2739-2 for cancellation.

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