

WATER PERMIT NO. 2842-2

Name of Applicant: H & H Land Co #2, LLC

Address: 1424 Pevans Parkway, Rapid City SD 57701

Phone: 605 718-4000

Amount of Water Claimed: 0.09 cfs (46 AF)

Total Acres: NA

Source of Water Supply: groundwater (2 wells)

Water to be used for: water distribution system and livestock

County: Pennington

Type of Waste Disposal System:

Location: 12 miles southeast of Rapid City

PRIORITY

Date Received: 3-9-22

Application/License Fee: \$ 300

Corrected Application Received:

Period of Annual Use: January 1 – December 31

Remarks:

Diversion Point: NE 1/4 NE 1/4 Sec 12-T1S-R9E
and SW 1/4NW 1/4 Sec 7-T1S-R10E

Land to be Irrigated: NA

			⊗		
			⊗		
	12				7

Depth of Well: 42 & 50 feet deep

Well Driller:

Remarks:

Type of Map: aerial

Prepared by:

Reviewed and the Number Assigned on: 3-9-22

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____

**SOUTH DAKOTA
WATER PERMIT NO. 2842-2**

Date of first receipt of application March 9, 2022.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 2842-2 to H & H Land Co #2, LLC c/o Brian L Hammerbeck, 1424 Pevans Parkway, Rapid City SD 57701 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. 2842-2 appropriates up to 46 acre-feet of water annually at a maximum pump rate of 0.09 cubic feet of water per second from one existing well (42 feet deep) and one new well (52 feet deep) both completed into the Quaternary Alluvium Aquifer. The existing well is located in the NE 1/4 NE 1/4 Section 12-T1S-R9E and the proposed well is to be located in the SW 1/4 NW 1/4 Section 7-T1S-R10E. Water will be used to supply a water distribution system and for livestock watering. The area of use includes portions of Sections 12, 13, 24, 25, 26; all in T1S-R9E and Sections 7, 19, 30; all in T1S-R10E. This site is located approximately 12 miles southeast of Rapid City SD.
2. The water appropriated shall be used for the purpose of a water distribution system and livestock watering 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 March 9, 2022.
5. The date of approval of Permit No. 2842-2 is May 16, 2022.
6. One-fifth of the construction is to be completed on or before November 16, 2024.
7. All construction is to be completed on or before May 16, 2027.
8. Water is to be put to beneficial use on or before May 16, 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 wells approved under Water Permit No. 2842-2 are 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 proposed well authorized by Permit No. 2842-2 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. The permit holder shall report to the Chief Engineer annually the amount of water withdrawn from the Quaternary Alluvium aquifer.
4. Water Permit No. 2842-2 authorizes a total annual diversion of up to 46 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



RECEIVED

PAID

MAR 09 2022

MAR 9 2022

Ck# 080218

Rec't#

Mail to: DENR - Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. <u>2842-2</u> (office use only) Hydrologic Unit <u>10120110</u>	WATER RIGHTS PROGRAM
	Basin <u>Upper Cheyenne</u>	
	Newspaper <u>Rapid City Journal</u>	

Application For Permit To Appropriate Water Within The State Of South Dakota

Check use(s) of water:

☐ Municipal	☒ Water Distribution System	☐ Recreational	☐ Institutional
☐ Rural Water System	☐ Commercial	☐ Fish & Wildlife	☐ Geothermal
☒ Domestic (over 18 gpm)	☐ Industrial	☐ Other	

Type of Application: (check one)

☒ New	☐ Vested Right (Use predates Mar 2, 1955)	☐ Future Use Reservation
☐ Place to Beneficial Use Water Reserved by Future Use Permit No. _____		
☐ Amendment/Correction to Permit No. _____		

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

1. Name to Appear on Water Permit H&H Land Co #2, LLC

Mailing Address 1424 Pevans Parkway Rapid City SD 57701
(Address) (City) (State) (Zip Code)

Phone _____ Mobile 605-718-4000 Email brian@premierrapidcity.com

2. Amount of water claimed 0.09 *CFS or 40 **GPM and 46 ***AF or 15,000,000 Gallons
Flow rate and volume are both required. (*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use)

3. Source of water supply Groundwater NE 1/4 NE 1/4 Sec 12-T15-R9E

4. Location of point of diversion See attachment A SW 1/4 NW 1/4 Sec 7-T15-R10E County Pennington
(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? See attachment B
(example - NW 1/4 section 12-T104N-R53W)

5. County or counties where water will be used Pennington

6. Annual period during which water is to be used Continuously year round Jan 1 - Dec 31

7. Give a description of the project. When available include any preliminary engineering report or other reports or information that will help explain the project. (Attach sheet if more space is needed)

The water system will serve ranchettes and livestock.

Brian L Hammerbeck

I, Brian Hammerbeck, member of H&H2 member, the applicant, certify under
Name of Person Title (if applicable)

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

Supplemental Information

(type or print)

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

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

For either Existing or Proposed Wells:

- c) Well Depth (required) Ex.: 42' New: 50' Depth to Top of Water Bearing Material ____ Depth to Water from Surface 32'
- 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

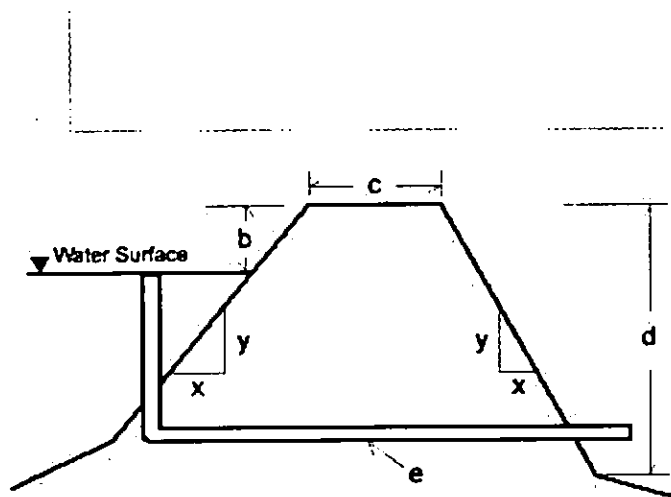
3. Dugout Information

- 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

ATTACHMENT

A

The following property shall be served by this water right in Pennington County, South Dakota as follows:

Section	Township	Range	Legal Description
12	1S	9E	NE1/4NE1/4
12	1S	9E	E1/2SE1/4 and SE1/4NE1/4, Tract A of Hook J Subdivision, as shown on the plat filed in Plat Book 18, Page 150
13	1S	9E	NE1/4NE1/4, S1/2NE1/4, S1/2
24	1S	9E	All
25	1S	9E	All
26	1S	9E	E1/2NE1/4
19	1S	10E	NE1/4NW1/4, SE1/4NW1/4, E1/2SW1/4, SE1/4 and Government Lots 1-4
30	1S	10E	NE1/4, NE1/4NW1/4, E1/2SW1/4 and Government Lots 3 & 4, Less ROW
7	1S	10E	NW1/4

Legal Descriptions for Wells

Existing Well: NE1/4NE1/4 Section 12, T1S, R9E, BHM, Pennington County, South Dakota.

New Well: NW1/4 Section 7, T1S, R10E, BHM, Pennington County, South Dakota.

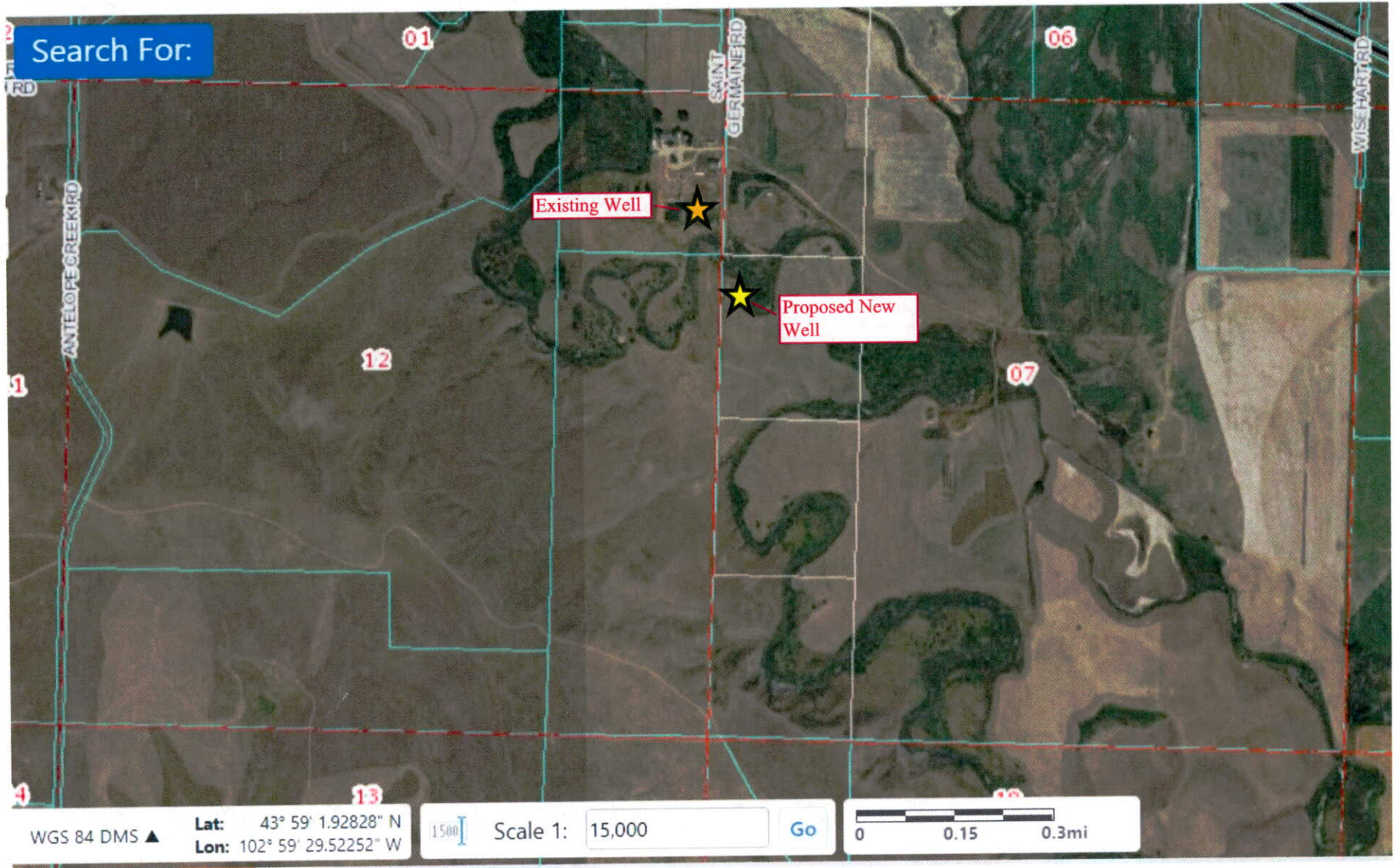
ATTACHMENT B



Existing Well



New Well





Duvall, Ron

From: Jess Pekarski <jpekarski@costelloporter.com>
Sent: Friday, March 11, 2022 11:24 AM
To: Duvall, Ron; brian@premierrapidcity.com
Cc: Schlaak, Karen; Gronlund, Eric; Rose Wall; Chloe Adkins
Subject: RE: [EXT] Water Permit Application

Ron:

Based on the map and information we have available to us, your attached report matches our information on the existing well. Thanks

Jess

From: Duvall, Ron <Ron.Duvall@state.sd.us>
Sent: Thursday, March 10, 2022 3:13 PM
To: brian@premierrapidcity.com; Jess Pekarski <jpekarski@costelloporter.com>
Cc: Schlaak, Karen <Karen.Schlaak@state.sd.us>; Gronlund, Eric <Eric.Gronlund@state.sd.us>
Subject: Water Permit Application

Mr. Hammerbeck and Mr. Pekarski,

I am looking at your application in the name of H & H Land Co #2, LLC. The application indicates there is an existing well and a proposed well. The application did not include a copy of the well completion report for the existing well. In our database (see following link), we have a completion report in the area described for the existing well.

<https://danr.sd.gov/wrimage/WellCompletionReports/images75k/00064567.pdf>

My question is whether the above link is the existing well or whether there is some other well at that location? If it is NOT the existing well, do you have a well completion report for that well?

Thank you,

Ron Duvall
Dept. of Agriculture & Natural Resources
Office of Water, Water Rights Program
605.773.3352
danr.sd.gov



DANR
SOUTH DAKOTA

07-92

Well Completion Date

Address:

DEPTH

FORMATION

FROM

TO

Topsoil

0

4

Gravel & Clay

41

84

boulders & gravel

8

2

Shale

21

12

Date: _____

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Agriculture and Natural Resources

Date March 9, 2022

RECEIVED OF Costello Porter Hill Heisterkamp & Carpenter LLP 1424 Pevans Parkway Rapid City SD 57701

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

Fee for Application for Permit No. <u>2842-2</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. <u>2842-2</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>300.00</u>

By Eric Gronlund
Chief Engineer
ERG



OFFICE OF THE SECRETARY OF STATE
STEVEN J. BARNETT, SECRETARY OF STATE
JASON LUTZ, DEPUTY SECRETARY OF STATE

Filing Information

Name: **H & H Land Company #2, LLC**

General Information

SOS Business ID DL143525
Filing Type: Limited Liability Company - Domestic
02/05/2018
Delayed Effective Date: 02/06/2018 12:00 AM
Status: Good Standing
Duration Term: Perpetual
Managed By: Member-Managed

Registered Agent Address
Brian L Hammerbeck
1424 PEVANS PARKWAY
RAPID CITY, SD 57701

Principal Address
1424 PEVANS PARKWAY
RAPID CITY, SD 57701

The following document(s) was/were filed in this office on the date(s) indicated below:

Date Filed	Filing Description	Image #
12/03/2021	2022 Annual Report	B0200-9745
12/10/2020	2021 Annual Report	B0161-2890
02/07/2020	2020 Annual Report	B0129-3957
02/01/2019	2019 Annual Report	B0088-6126
02/05/2018	Initial Filing (Delayed Date 02/06/2018)	B0052-2447

COSTELLO, PORTER, HILL, HEISTERKAMP,
BUSHNELL & CARPENTER, LLP

ATTORNEYS AT LAW

KENNETH L. HEISTERKAMP
GENE R. BUSHNELL
EDWARD C. CARPENTER
DONALD A. PORTER
JOSEPH R. LUX
HEATHER LAMMERS BOGARD[†]
JESS M. PEKARSKI

[†]Also available at Spearfish office
115 N. 7th Street, Suite 3
Spearfish, SD 57783

+ Also admitted in North Dakota

* Also admitted in Wyoming

^ Also admitted in Nebraska

200 SECURITY BUILDING
704 ST. JOSEPH STREET
MAILING ADDRESS P. O. BOX 290
RAPID CITY, SD 57709

Telephone: (605) 343-2410

Fax: (605) 343-4262

PHILLIP R. STILES
JONATHAN P. McCOY*
MICHAEL F. STEVE^
KRISTEN E. BASHAM
REECE R. WEBER
GARRETT J. KEEGAN

J.M. COSTELLO
1923-2007

WILLIAM G. PORTER
1926-2004

March 7, 2022

DENR – Water Rights
523 East Capitol Avenue
Pierre, SD 57501

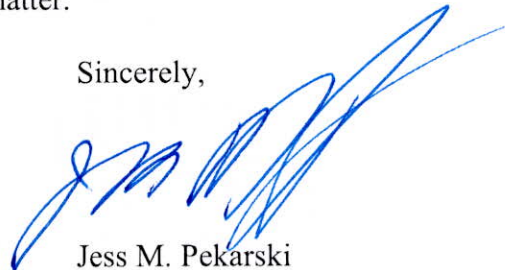
Re: H&H Land Co #2, LLC
Our File No. 222073

Dear DENR:

Enclosed for filing please find the original of the Application for Permit to Appropriate Water within the State of South Dakota of H&H Land Co #2, LLC. Also enclosed is our office check in the amount of \$300 for filing and inspection fees. Upon issuance of the Water Permit, please mail the same to my office at the above address.

Thank you for your assistance in this matter.

Sincerely,



Jess M. Pekarski

JMP/cbma
cc/client

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. 2842-2, H & H Land Co #2 LLC**

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. 2842-2, H & H Land Co #2 LLC, 1424 Pevans Parkway, Rapid City SD 57701.

The Chief Engineer is recommending APPROVAL of Application No. 2842-2 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. 2842-2 are 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 proposed well authorized by Permit No. 2842-2 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. The permit holder shall report to the Chief Engineer annually the amount of water withdrawn from the Quaternary Alluvium aquifer.
4. Water Permit No. 2842-2 authorizes a total annual diversion of up to 46 acre-feet of water.

See report on application for additional information.

Eric Gronlund, Chief Engineer
April 25, 2022

Report to the Chief Engineer
On Water Permit Application No. 2842-2

H & H Land Co #2, LLC

c/o Brian L Hammerbeck

April 25, 2022

Water Permit Application No. 2842-2 proposes to appropriate up to 46 acre-feet of water annually at a maximum instantaneous diversion rate of 0.09 cubic feet per second (cfs) (approximately 40 gallons per minute (GPM)) from one existing well completed into the Quaternary Alluvium aquifer along Rapid Creek (42 feet deep), and one proposed well to be completed into the Quaternary Alluvium aquifer along Rapid Creek (approximately 52 feet deep). The existing well is located in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 12-T1S-R9E and the proposed well is to be located in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 7-T1S-R10E. The water is proposed to be used to supply a water distribution system and for livestock watering. The area of use includes portions of Sections 12, 13, 24, 25, and 26; all in T1S-R9E, and Sections 7, 19, and 30; all in T1S-R10E. The site of interest is located in Pennington County approximately twelve miles southeast of Rapid City, SD.

AQUIFER: Quaternary Alluvium (ALQ)

HYDROGEOLOGY:

At the location of the proposed diversion point and existing well site, no major surficial aquifers have been identified (Water Rights, 2022b, 2022c, and 2022d). The proposed diversion point is expected to be completed into the Quaternary-aged alluvium adjacent to Rapid Creek, and the existing well is completed into the Quaternary-aged alluvium adjacent to Rapid Creek, based on the Geologic Map of South Dakota (Martin et al., 2004), lithologic logs (SDGS, 2022), and area well completion reports (Water Rights, 2022d). The Quaternary Alluvium aquifer is a general name for aquifers that occur in the material deposited by streams and rivers and is not considered contiguous with a larger named aquifer (Water Rights, 2022b and 2022c).

The Quaternary Alluvium aquifer along Rapid Creek is a Quaternary-aged alluvium formed by deposits of erosional remnants of bedrock units that consists of boulders, cobbles, gravel, sand, and clay (Anderson et al., 1999). These deposits are of limited extent upstream from Canyon Lake in Rapid City, South Dakota, but generally increase in width and thickness downstream (Anderson et al., 1999). Particle sizes in the alluvium aquifer grade from notably coarser near Canyon Lake to much finer toward the east of Rapid Creek, and these coarser deposits are permeable enough to yield large volumes of water to shallow wells despite a relatively thin saturated thickness (Anderson et al., 1999). The alluvium can be considered an aquifer where there is sufficient saturated material to supply water to wells. The aquifer is generally under unconfined conditions (Rosier and Snell, 1953; Water Rights, 2022d). However, because the alluvium consists of interfingering layers of differing materials and permeability, ground water

can occur under confined aquifer conditions (Rosier and Snell, 1953). Groundwater movement in the alluvium is generally towards Rapid Creek and in a downstream direction (to the east).

The alluvium is restricted to the Rapid Creek flood plain and underlies approximately 16,900 acres between Canyon Lake and the proposed diversion point and existing well site (Martin et al., 2004; Water Rights, 2022d). Figure 1 displays the location of the proposed diversion point and existing well site, the approximate areal extent of the Quaternary Alluvium aquifer along Rapid Creek between Canyon Lake and the proposed diversion point and existing well site (modified from Martin et al., 2004), the water rights/permits currently authorized to withdraw water from the Quaternary Alluvium aquifer along Rapid Creek (Water Rights, 2022c), and the observation wells completed into the Quaternary Alluvium aquifer along Rapid Creek (Water Rights, 2022b).

The Quaternary Alluvium aquifer along Rapid Creek is hydrologically connected to Rapid Creek, and groundwater withdrawals can deplete streamflow. The existing well proposed to be used is located approximately 200 feet from Rapid Creek, and the proposed well is located approximately 100 feet from Rapid Creek. Although Water Permit Application No. 2842-2 seeks to appropriate a relatively small annual volume of water, given the close proximity of the proposed diversion point and existing well site to Rapid Creek, the proposed project could have a minor impact to the flow in Rapid Creek under lower flow conditions.

A water well completion report was submitted with Water Permit Application No. 2842-2 for the existing well proposed to be used. The report lists, “topsoil” from 0 to 4 feet below the ground surface, “gravel & clay” from 4 to 8 feet, “boulders & gravel” from 8 to 21 feet, and “shale” from 21 to 42 feet below the ground surface (Water Rights, 2022d). The well completion report listed a static water level of approximately 10 feet at the time of the well completion (October 5, 2007). Based on the submitted well completion report, and the well completion reports and lithologic logs on file, the Quaternary Alluvium aquifer is expected to be unconfined at the proposed diversion point and existing well site (SDGS, 2022; Water Rights, 2022b, 2022c and 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 Quaternary Alluvium aquifer along Rapid Creek.

In the matter of Water Right No. 2142-2, the Water Management Board adopted the Findings of Facts and Conclusions of Law that clarify that irrigation return flows in Rapid Valley are available for appropriation, or at least to satisfy downstream appropriators. Groundwater return flows are considered part of the fully appropriated Rapid Creek system (Water Rights, 1991).

Therefore, the only groundwater in the Quaternary Alluvium aquifer along Rapid Creek that is available for appropriation is the water that would have occurred under natural conditions. At this time, the amount of groundwater available for appropriation (i.e., naturally occurring groundwater) has not been quantified.

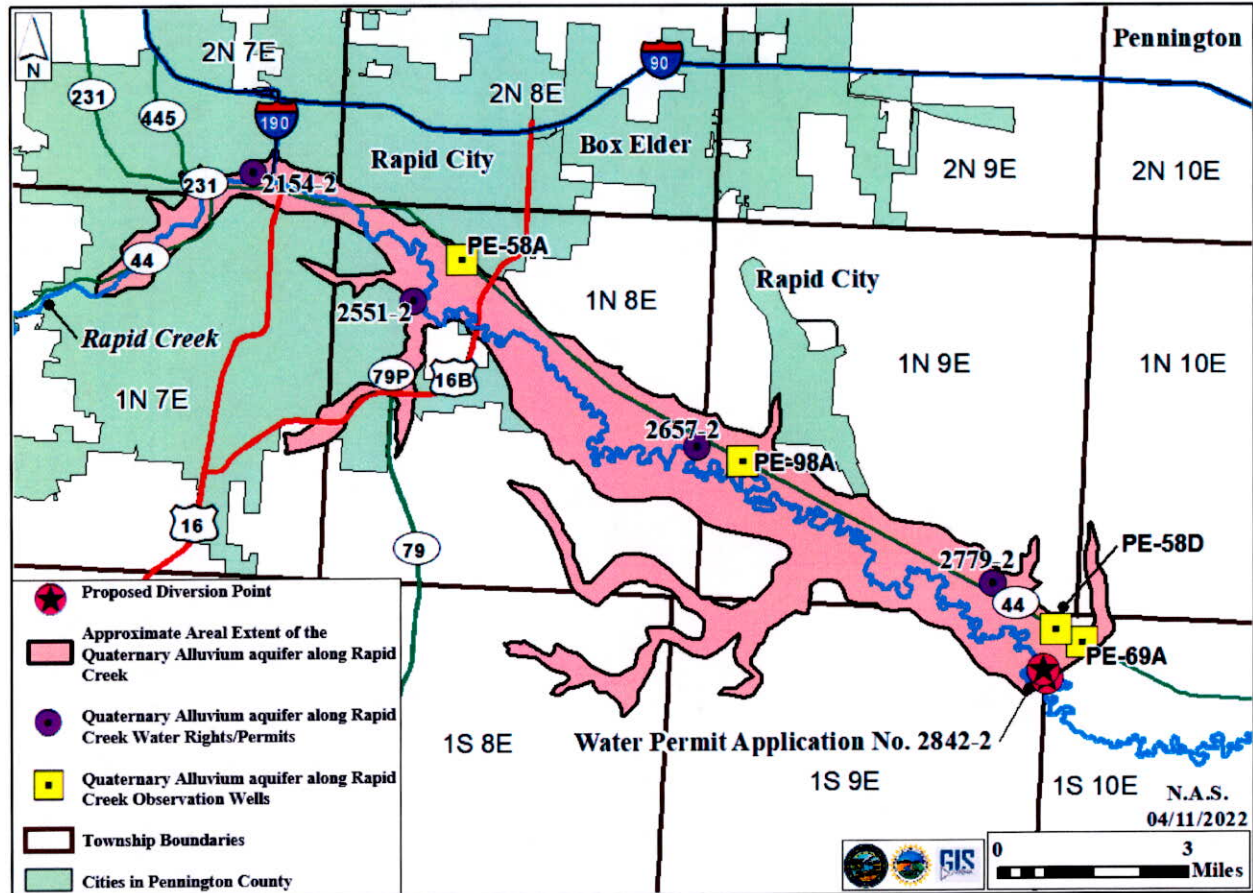


Figure 1. Location of the proposed diversion point and existing well site, the approximate areal extent of the Quaternary Alluvium aquifer along Rapid Creek between Canyon Lake and the proposed diversion point and existing well site (modified from Martin et al., 2004), the water rights/permits currently authorized to withdraw water from the Quaternary Alluvium aquifer along Rapid Creek (Water Rights, 2022c), and the observation wells completed into the Quaternary Alluvium aquifer along Rapid Creek (Water Rights, 2022b)

WATER AVAILABILITY:

Water Permit Application No. 2842-2 proposes to appropriate water from the Quaternary Alluvium aquifer along Rapid Creek. 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 Quaternary Alluvium aquifer along Rapid Creek is not older than or stratigraphically lower than the Greenhorn Formation (Fahrenbach et al., 2010), but the applicant’s proposed use is 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 Quaternary Alluvium aquifer along Rapid Creek must be considered.

HYDROLOGIC BUDGET:**Discharge**

Discharge from the Quaternary Alluvium aquifer along Rapid Creek is primarily through well withdrawals (Water Rights, 2022c and 2022d), and evapotranspiration (Eldridge and Anderson, 2020). Currently, there are four water rights/permits authorized to withdraw water from the Quaternary Alluvium aquifer along Rapid Creek (Table 1) (Water Rights, 2022c).

Table 1. Water rights/permits currently authorized to appropriate water from the Quaternary Alluvium aquifer along Rapid Creek

Permit No.	Name	Status	Use	Authorized Diversion Rate (cfs)	Authorized Annual Volume (acre-feet)	Acres if IRR
2154-2	Federal Beef Processors	LC	IND	0.56	N/A	
2551-2	Pepsi Cola of the Black Hills	LC	IRR	0.022	N/A	0.9
2657-2	Gwendolyn Zefler	PE	COM	0.04	N/A	
2779-2	Black Hills Raptor Center Inc	PE	INS, DOM	0.078	2	
LC: Licensed Water Right; PE: Water Permit; COM: Commercial; DOM: Domestic; IND: Industrial; IRR: Irrigation						

Table 2 summarizes the three non-irrigation water rights/permits authorized to appropriate water from the Quaternary Alluvium aquifer along Rapid Creek 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 average annual withdrawal rate for the Quaternary Alluvium aquifer along Rapid Creek non-irrigation water rights/permits is approximately 262.6 acre-feet per year (Table 2) (Water Rights, 2022c).

Vested Water Right No. 2154-2 authorized water use for industrial purposes at a packing plant that no longer exists. The property is now being used for other purposes. Therefore, Vested Water Right No. 2154-2 should be investigated by the DANR-Water Rights Program to determine whether the vested right has been abandoned or forfeited due to nonuse of water.

Table 2. Estimated annual use for the non-irrigation water rights/permits currently authorized to appropriate water from the Quaternary Alluvium aquifer along Rapid Creek

Permit No.	Name	Status	Use	Authorized Diversion Rate (cfs)	Authorized Annual Volume (acre-feet)	
2154-2	Federal Beef Processors	LC	IND	0.56	N/A	243.3
2657-2	Gwendolyn Zeffler	PE	COM	0.04	N/A	17.4
2779-2	Black Hills Raptor Center Inc	PE	INS, DOM	0.078	2	2
					TOTAL:	262.6

LC: Licensed Water Right; PE: Water Permit; COM: Commercial; DOM: Domestic; IND: Industrial

Water Permit No. 2779-2 is required to report their annual withdrawal rate from the Quaternary Alluvium aquifer along Rapid Creek (Water Rights, 2022c). The withdrawals that are annually reported from the Quaternary Alluvium aquifer along Rapid Creek by Water Permit No. 2779-2 are shown in Table 3 (Water Rights, 2022c and 2022f). It is worth noting, the reported average annual withdrawal rate by Water Permit No. 2779-2 estimated on Table 3 is less than the average annual withdrawal rate estimated on Table 2 (Water Rights, 2022c and 2022f). The estimated use by Water Permit No. 2779-2 calculated on Table 3 will be used in this analysis.

Table 3. Reported annual use from the Quaternary Alluvium aquifer along Rapid Creek for the non-irrigation water permit required to report (Water Rights, 2022c and 2022f)

Permit No.	2779-2
	(acre-feet)
Year	
2018	0.467
2019	0.435
2020	0.991
Avg	0.631

Currently, there is one irrigation water right authorized to appropriate water from the Quaternary Alluvium aquifer along Rapid Creek – Water Right No. 2551-2 (Water Rights, 2022c). Irrigation water rights/permits have been typically required to report their annual usage on an irrigation questionnaire since 1979. The average annual withdrawal rate for the water right authorized to appropriate water from the Quaternary Alluvium aquifer along Rapid Creek for irrigation use, based on the reported withdrawal rates over the respective period of record, is approximately 1.2 acre-feet per year (Table 4) (Water Rights, 2022a).

Table 4. Reported historic irrigation use for Water Right No. 2551-2 (Water Rights, 2022a)

Year	Reported Pumpage (acre-feet)
2005	0.9
2006	0.9
2007	1.26
2008	1.26
2009	1.26
2010	1.26
2011	1.26
2012	1.26
2013	1.26
2014	1.26
2015	1.44
2016	1.44
2017	1.44
2018	1.26
2019	0.71
2020	0.4
2021	1.7
Min	0.4
Max	1.7
Avg	1.2

There are domestic wells completed into the Quaternary Alluvium aquifer along Rapid Creek that do not require a water right/permit, so the withdrawal amount from those wells is unknown (Water Rights, 2022d). Due to their relatively low diversion rates, withdrawals from domestic wells are generally not considered to be a significant portion of the hydrologic budget. Additionally, with the development of public water supply systems over some of the area where the Quaternary Alluvium aquifer along Rapid Creek is the uppermost aquifer available; it is likely some domestic users may have transitioned to these public systems. Therefore, the quantity of water withdrawn by domestic wells is estimated to be negligible to the hydrologic budget for the Quaternary Alluvium aquifer along Rapid Creek.

Recharge

Recharge to the Quaternary Alluvium aquifer along Rapid Creek is primarily through the infiltration of precipitation falling directly on the aquifer where it is at or near the ground surface, seepage from Rapid Creek, seepage from irrigation ditches and losses, and some inflow from exchanges with adjacent aquifers along the boundaries of the alluvial aquifer (Eldridge and Anderson, 2020; Rosier and Snell, 1953).

Eldridge and Anderson (2020) estimated a recharge rate of 5.1 inches per year using a soil-water balance model over the year 2019 for unconsolidated (including alluvial) deposits along the Stagebarn Canyon drainage near Summerset, SD, approximately 25 miles northwest of the applicant's project site. It should be noted the applicant's project site is slightly more arid than

Eldridge and Anderson's (2020) site receiving approximately three fewer inches of precipitation annually (Driscoll and Carter, 2001). Utilizing the estimated recharge rate of 5.1 inches per year (Eldridge and Anderson, 2020), the average annual recharge rate is approximately 7,182 acre-feet per year to the Quaternary Alluvium aquifer along Rapid Creek. That estimate is a likely maximum recharge rate and is much greater than the minimum amount required to supply the existing permits, and the proposed application.

The required recharge rate needed to satisfy the water rights/permits currently authorized to appropriate water from the Quaternary Alluvium aquifer along Rapid Creek, plus the estimated annual use for Water Permit Application No. 2842-2, is approximately 308.5 acre-feet per year. A recharge rate of 0.22 inches per year over the surface area of the alluvium extending from Canyon Lake to the proposed diversion point and existing well site (approximately 16,900 acres) would result in an estimated average annual recharge rate of approximately 309.8 acre-feet per year. A recharge rate of 0.22 inches per year is considered an underestimation for this hydrologic setting and when compared to recharge rates of similar alluvium aquifers.

Hydrologic Budget Summary

The estimated average annual recharge rate to the Quaternary Alluvium aquifer along Rapid Creek is expected to range between approximately 309.8 to 7,182 acre-feet per year. The estimated average annual withdrawal rate from the Quaternary Alluvium aquifer along Rapid Creek is approximately 308.5 acre-feet per year (non-irrigation: 261.3 acre-feet/year; irrigation: 1.2 acre-feet/year; Water Permit Application No. 2842-2 (if approved, assuming full volume appropriation): 46 acre-feet/year). Based on the hydrologic budget, there is a reasonable probability unappropriated water is available from the Quaternary Alluvium aquifer along Rapid Creek 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 DNR-Water Rights Program monitors five observation wells completed into the Quaternary Alluvium aquifer along Rapid Creek (Water Rights, 2022b). The two closest observation wells to the proposed diversion point and existing well site are PE-69A (approximately 0.6 miles) and PE-58D (approximately 0.7 miles) (as shown in Figure 4). The hydrographs for these observation wells are displayed in Figures 2 and 3 (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 DNR Water Rights Observation Well on the hydrographs.

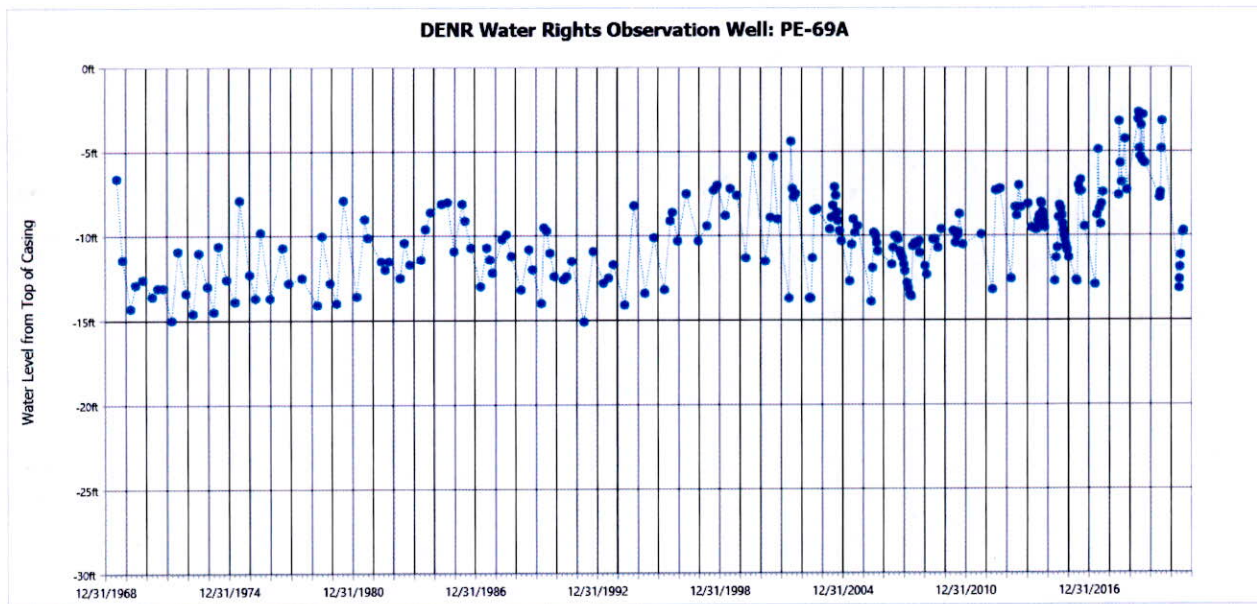


Figure 2. Hydrograph for observation well PE-69A (Water Rights, 2022b)

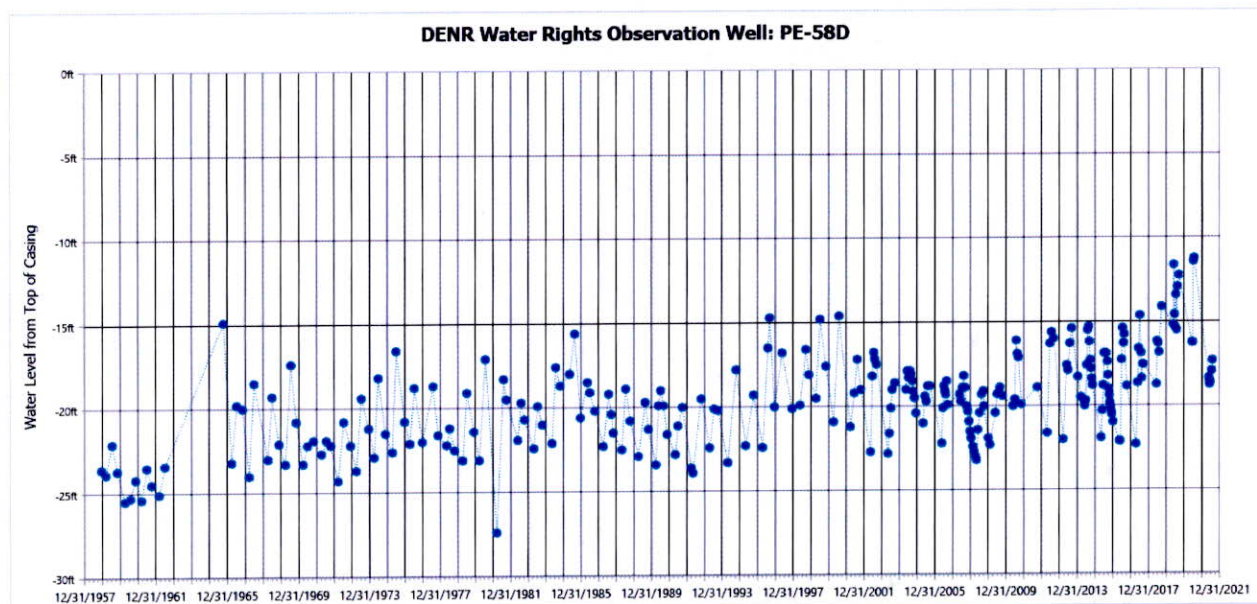


Figure 3. Hydrograph for observation well PE-58D (Water Rights, 2022b)

The hydrographs for the observation wells display stable to increasing water levels over their respective periods of record. The hydrographs for the Quaternary Alluvium aquifer along Rapid Creek 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 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 water levels in the aquifer rather than the impacts of pumping from the Quaternary Alluvium aquifer along Rapid Creek. 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 four water rights/permits authorized to appropriate water from the Quaternary Alluvium aquifer along Rapid Creek (Water Rights, 2022c). All four water rights/permits are located upgradient from the proposed application (Water Rights, 2022c). The closest water right/permit to the proposed diversion point and existing well site is Water Permit No. 2779-2, which is held by Black Hills Raptor Center Inc. The diversion point for Water Permit No. 2779-2 is located approximately 1.6 miles northwest of the proposed diversion point and existing well site for the proposed application (Table 5) (Figure 4) (Water Rights, 2022c).

There are domestic wells on file with the DANR-Water Rights Program that are completed into the Quaternary Alluvium aquifer along Rapid Creek, with the closest domestic well on file (not held by the applicant) approximately 0.7 miles northeast of the proposed diversion point and existing well site (Water Rights, 2022d). There could potentially be other domestic wells completed into the Quaternary Alluvium aquifer along Rapid Creek near the proposed diversion point and existing well site that are not on file with the DANR-Water Rights Program.

Table 5. Water rights/permits authorized to withdraw water from the Quaternary Alluvium aquifer along Rapid Creek within approximately two miles of the proposed diversion point and existing well site, as shown in Figure 4 (Water Rights, 2022c)

Permit No.	Name	Status	Use	Authorized Diversion Rate (cfs)	Authorized Annual Volume (acre-feet)
2779-2	Black Hills Raptor Center Inc	PE	INS, DOM	0.078	2
PE: Water Permit; DOM: Domestic; IND: Industrial					

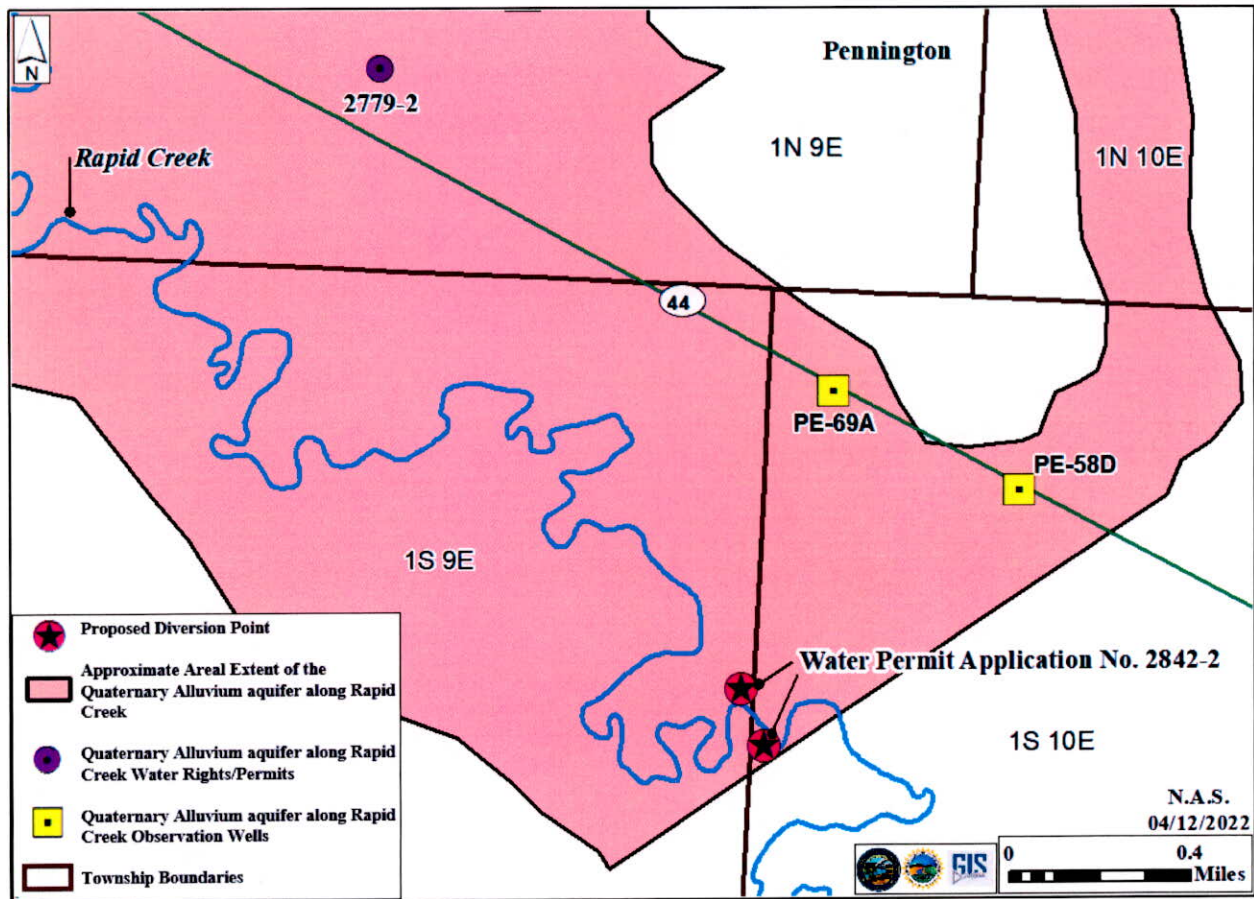


Figure 4. Location of the proposed diversion point and existing well site for Water Permit Application No. 2842-2 with the Quaternary Alluvium aquifer along Rapid Creek water rights/permits within approximately two miles (Water Rights, 2022b and 2022c)

The Quaternary Alluvium aquifer along Rapid Creek is primarily under unconfined conditions (Rosier and Snell, 1953; Water Rights, 2022d). However, because the alluvium consists of interfingering layers of differing materials and permeability, ground water can occur under confined aquifer conditions (Rosier and Snell, 1953). The Quaternary Alluvium aquifer along Rapid Creek is expected to be unconfined near the proposed diversion point and existing well site based on the submitted well completion report, the well completion reports on file for nearby water rights/permits, and the lithologic logs on file for nearby observation wells (SDGS, 2022; Water Rights, 2022b, 2022c and 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.

Wells completed into the Quaternary Alluvium aquifer along Rapid Creek within approximately two miles of the proposed diversion point and existing well site have saturated aquifer thicknesses ranging from approximately 5 to 25 feet (SIDGS, 2022; Water Rights, 2022b, 2022c and 2022d). Any drawdown as a result of the proposed diversion is not expected to unlawfully impair nearby adequate wells. An adequate well is defined by ARSD 74:02:04:20(6) as “a well constructed or rehabilitated to allow various withdrawal methods to be used, to allow the inlet to the pump to be placed not less than 20 feet into the saturated aquifer or formation material when the well is constructed, or to allow the pump to be placed as near to the bottom of the aquifer as is practical if the aquifer thickness is less than 20 feet.” In Pennington County, there are no substantiated complaints on file with the DANR-Water Rights Program regarding well interference for adequate wells completed into the Quaternary Alluvium aquifer along Rapid Creek (Water Rights, 2022e).

When considering the generally unconfined nature of the aquifer near the proposed diversion point and existing well site, and the lack of well interference complaints for adequate wells completed into the Quaternary Alluvium aquifer along Rapid Creek in Pennington 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. In addition, the existing well has been in use since around 2008 with no reported well interference complaints (Water Rights, 2022e). Therefore, there is a reasonable probability that any interference from the proposed diversion by Water Permit Application No. 2842-2 will not impose unlawful impairments on existing users with adequate wells.

If the proposed application is approved, a qualification requiring the applicant to control their water withdrawals, so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights, should be included.

CONCLUSIONS:

1. Water Permit Application No. 2842-2 proposes to appropriate up to 46 acre-feet of water annually at a maximum instantaneous diversion rate of 0.09 cfs (approximately 40 GPM) from one existing well completed into the Quaternary Alluvium aquifer along Rapid Creek (42 feet deep), and one proposed well to be completed into the Quaternary Alluvium aquifer along Rapid Creek (approximately 52 feet deep). The water is proposed to be used to supply a water distribution system and for livestock watering. The site of interest is located in Pennington County approximately twelve miles southeast of Rapid City, SD.
2. Based on observation well data and the hydrologic budget, there is a reasonable probability that unappropriated water is available from the Quaternary Alluvium aquifer along Rapid Creek to supply the proposed appropriation.
3. There is a reasonable probability that the proposed diversion by Water Permit Application No. 2842-2 will not unlawfully impair adequate wells for existing water rights/permits and domestic users.
4. If the proposed application is approved, a qualification requiring the applicant to control their water withdrawals, so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights, should be included.

Nakaila Steen

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

Reviewed by:

Adam Mathiowetz

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

References

- Anderson, M.T., Driscoll, D.G., and Williamson, J.E., 1999. Ground-Water and Surface-Water Interactions along Rapid Creek near Rapid City, South Dakota. Water-Resources Investigations Report 98-4214. U.S. Geological Survey, Rapid City, SD.
- Driscoll, D. G., & Carter, J. M., 2001. Hydrologic Conditions and Budgets for the Black Hills of South Dakota, Through Water Year 1998; Water-Resources Investigations Report 01-4226. Rapid City, South Dakota: U.S. Geological Survey

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- 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. "1994-2020 Non-Irrigation Yearly Reports", SD DANR-Water Rights Program, Joe Foss Bldg, Pierre, SD.

Schlaak, Karen

From: Schlaak, Karen
Sent: Wednesday, April 27, 2022 7:44 AM
To: brian@premierrapidcity.com
Cc: Jess Pekarski
Subject: Water Permit Application No. 2842-2
Attachments: 3326.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 as soon as possible to authorize publication and arrange for payment. This information was 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:

RECEIVED

MAY 09 2022

WATER RIGHTS
PROGRAM

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

ORDER NUMBER 45848

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
5 day of May, 2022.

Section: Legal

Category: 0072 Public Notices

PUBLISHED ON: 05/05/2022

TOTAL AD COST: 73.68

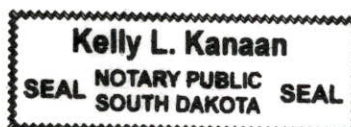
FILED ON: 5/5/2022

Subscribed and sworn to before me this

5th day of May, 2022.
Kelly L. Kanaan Notary Public

My commission expires

Jan 17, 2025



May 5 L45848

NOTICE OF APPLICATION

NO. 2842-2 to Appropriate Water
Notice is given that H & H Land Co #2, LLC, c/o Brian L Hammerbeck, 1424 Pevans Parkway, Rapid City SD 57701 has filed an application for a water permit to appropriate up to 46 acre-feet of water annually at a maximum pump rate of 0.09 cubic feet of water per second from one existing well (42 feet deep) and one new well (52 feet deep) both completed into the Quaternary Alluvium Aquifer. The existing well is located in the NE 1/4 NE 1/4 Section 12-T1S-R9E and the proposed well is to be located in the SW 1/4 NW 1/4 Section 7-T1S-R10E. Water will be used to supply a water distribution system and for livestock watering. The area of use includes portions of Sections 12, 13, 24, 25, 26; all in T1S-R9E and Sections 7, 19, 30; all in T1S-R10E. This site is located approximately 12 miles southeast of Rapid City SD. Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2842-2 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 Bldg., 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 May 16, 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 May 16, 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 \$73.68)



**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 NEWSPAPER RIGHT AWAY.**

April 26, 2022

H & H Land Co #2 LLC
c/o Brian L Hammerbeck
1424 Pevans Parkway
Rapid City SD 57701

Dear Mr. Hammerbeck:

Water Permit Application No. 2842-2 for a water distribution system and livestock water use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice has been sent to the Rapid City Journal printed at Rapid City SD (Ph # 605 394-8336). You will need to contact the newspaper 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 newspaper to authorize publication of your Notice and to arrange for payment. Early contact with the paper can eliminate delays. Upon receiving authorization from you, the publisher has been instructed to publish your notice. The newspaper has also been instructed to send us the Proof of Publication. We must receive Proof of Publication before action can be taken on the application.

Sincerely,

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. 2842-2 to Appropriate Water

Notice is given that H & H Land Co #2, L.L.C, c/o Brian L Hammerbeck, 1424 Pevans Parkway, Rapid City SD 57701 has filed an application for a water permit to appropriate up to 46 acre-feet of water annually at a maximum pump rate of 0.09 cubic feet of water per second from one existing well (42 feet deep) and one new well (52 feet deep) both completed into the Quaternary Alluvium Aquifer. The existing well is located in the NE 1/4 NE 1/4 Section 12-T1S-R9E and the proposed well is to be located in the SW 1/4 NW 1/4 Section 7-T1S-R10E. Water will be used to supply a water distribution system and for livestock watering. The area of use includes portions of Sections 12, 13, 24, 25, 26; all in T1S-R9E and Sections 7, 19, 30; all in T1S-R10E. This site is located approximately 12 miles southeast of Rapid City SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2842-2 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 May 16, 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 May 16, 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_

Schlaak, Karen

From: Schlaak, Karen
Sent: Tuesday, April 26, 2022 7:55 AM
To: RCY Legals (legals@rapidcityjournal.com)
Subject: 2842-2, H & H Land Co #2 LLC
Attachments: 2842-2public.short_final.docx; FORM8.FRM.doc

Attached is a notice to be published on May 5, 2022.

H & H Land Co #2 LLC, c/o Brian L Hammerbeck, 1424 Pevans Parkway, Rapid City SD 57701 (605 718-4000) 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, June 1, 2022 3:00 PM
To: Jess Pekarski
Subject: Water Permit No. 2842-2, H & H Land Co #2 LLC
Attachments: 3526.pdf

Enclosed is a copy of Water Permit No. 2842-2.

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

JUN 01 2022

H & H Land Co #2 LLC
c/o Brian L Hammerbeck
1424 Pevans Parkway
Rapid City SD 57701

Dear Mr. Hammerbeck:

Enclosed is Water Permit No. 2842-2 authorizing construction of the water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

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

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

Sincerely,

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

enclosures