

FUTURE USE WATER PERMIT NO. 2844-2

Name of Applicant: City of Box Elder

Address: 420 Villa Driver, Box Elder SD

Phone: 605 923-1404

Amount of Water Claimed: 2100 AF

Total Acres: NA

Source of Water Supply: Missouri River

Water to be used for: rural water system

County: Pennington & Meade

Type of Waste Disposal System:

Location:

PRIORITY Date Received: 2-25-22

Application/License Fee: \$ 600 (needs refund)

Corrected Application Received: 3-23-22

Period of Annual Use: Jan 1 – Dec 31

Remarks: Future Use Reservation

Diversion Point: between points in Sec 31-T9N-
R24E and Sec 32-T6N-R31E

Land to be Irrigated: NA

Depth of Well: NA

Well Driller:

Remarks:

Type of Map:

Prepared by:

Reviewed and the Number Assigned on: 3-23-22

By: Karen Schlaak

Notice of Hearing - date to intervene: _____

**SOUTH DAKOTA
FUTURE USE PERMIT NO. 2844-2**

Date of first receipt of application December 7, 2021.

Date of return to applicant for corrections, amendments or changes January 6, 2022.

Date of receipt of corrected application February 25, 2022.

The Chief Engineer, on behalf of the Water Management Board, issues Future Use Permit No. 2844-2 to the City of Box Elder, 420 Villa Drive, Box Elder SD 57719 subject to the following limitations, conditions and qualifications:

1. Future Use Permit No. 2844-2 reserves 2,100 acre-feet of water annually from the Missouri River located between points in Section 31-T9N-R24E and Section 32-T6N-R31E.
2. The water appropriated shall be used for the purpose of future water supplies for municipal and water distribution system uses and may not exceed the amount of water needed for beneficial use.
3. The date of approval of Future Use Permit No. 2844-2 is May 2, 2022.
4. The date from which applicant may claim right is February 25, 2022.
5. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

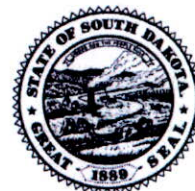
QUALIFICATIONS

1. Future Use Permit No. 2844-2 reserves 2,100 acre-feet of water annually from the Missouri River.
2. That Future Use Permit No. 2844-2 is approved with the stipulation that this Permit is subject to review by the Water Management Board as to accomplishment in developing reserved water upon expiration of seven (7) years. This Permit shall be subject to cancellation if the Water Management Board determines during the review that the holder cannot demonstrate a reasonable need for the Permit.
3. At such time as definite plans are made to construct works and put the water reserved by this permit to beneficial use, specific application for all or any part of the reserved water must be submitted prior to construction of facilities pursuant to SDCL 46-5-38.1.

WATER MANAGEMENT BOARD

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

JUN 01 2022
date



Originally Rec'd

12-7-21

RECEIVED

FEB 25 2022

WATER RIGHTS
PROGRAM

Mail to: DENR - Water Rights 523 E. Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	(office use only) No. <u>2844-2</u> Hydrologic Unit <u>10130105</u> Basin <u>Missouri River</u> Newspaper <u>Rapid City Journal</u> <u>Capital Journal,</u> <u>Pioneer Review, Faith Independent</u>
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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 City of Box Elder
 Mailing Address 420 Villa Drive Box Elder SD 57719
 (Address) (City) (State) (Zip Code)

Phone 605-923-1404 Mobile _____ Email mayor@boxelder.us

2. Amount of water claimed _____ *CFS or _____ **GPM and 200 ***AF or _____ Gallons
 Flow rate and volume are both required (*Cubic Feet per Second) (**Gallons per Minute) (***Acre Feet - storage capacity of dam/dugout or annual use)

3. Source of water supply Missouri River

4. Location of point of diversion Between Oahe Dam and mouth of Cheyenne River County Stonely
 (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R55W)

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

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

(example - NW1/4 section 17-T104N-R55W)

5. County or counties where water will be used Meade & Pennington

6. Annual period during which water is to be used January 1 - December 31

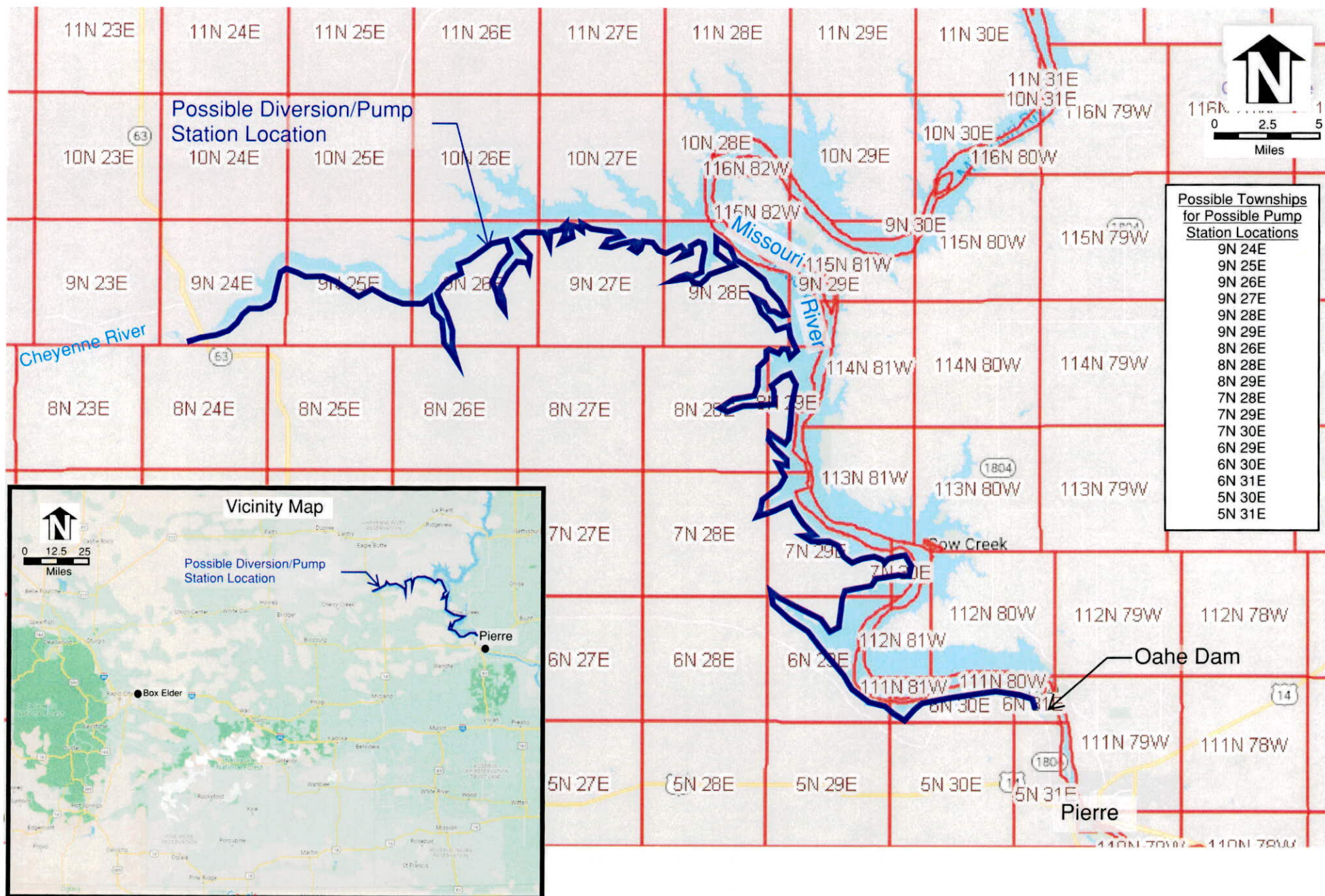
7. Give a description of the project. When available include any preliminary engineering report or other reports or information that will help explain the project. (Attach sheet if more space is needed)

This application will be for a future project taking water from the Missouri River and piping it to Box Elder for municipal water use.

I, Jerry L. Larson Mayor, 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.

Application for a Permit to Appropriate Water: Missouri River Proposed Connection Area Map



RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Agriculture and Natural Resources

Date December 7, 2021

RECEIVED OF City of Box Elder 420 Villa Drive Box Elder SD 57719

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	\$ _____
Fee for Application for Permit No. <u>2844-2</u> to Appropriate Water for Future use	<u>\$895.00</u>
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>\$895.00</u>

By Eric Gronlund
Chief Engineer

UW



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

January 6, 2022

Larry Larson, Mayor
City of Box Elder
420 Villa Drive
Box Elder SD 57719

SUBJECT: Application for Future Use Reservation from Missouri River

Dear Mayor Larson,

Thank you for submitting the application for a future use permit to reserve water from the Missouri River for municipal use. In order to complete the application, the following is required.

The legal description of the proposed diversion point from the Missouri River needs to be identified in Item No. 4 on the enclosed application. This can be a single point or points along the river between which the pump station will be located. Also, include a map identifying the legal description(s) of the proposed pump station.

The application requests a reservation of 10,000 acre feet of water annually from the Missouri River to supply municipal water to Box Elder through a pipeline to western South Dakota. Statutory authority exists for entities such as Box Elder to reserve water for contemplated future needs and an administrative rule sets forth that the Water Management Board may, at its discretion, limit the reservation of water for future use to two times the annual amount actually being put to beneficial use by the entity seeking to reserve the water. The city of Box Elder reports annual water use to the Water Rights Program. The city's highest reported water use was 1,050 acre feet of water in 2017. Therefore, under the administrative rule, the city may qualify for a future use reservation of 2,100 acre feet of water annually. To seek a favorable recommendation for a reservation greater than 2,100 acre feet of water annually, please provide a study of projected water needs for Box Elder to justify a greater amount.

After receiving the pump station legal location(s), map and confirming the requested amount of water to be reserved, we can begin processing your application.

If you have any questions, please contact me.

Sincerely,

Eric Gronlund, Chief Engineer
Water Rights Program, DANR
605 773-3352
eric.gronlund@state.sd.us

enclosure

DEC - 7 2021

PAID

WATER RIGHTS
PROGRAM

DEC 7 2021

Ck# 12998

Mail to: DANR DENR - Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. _____	(office use only) Hydrologic Unit _____
	Basin _____	
	Newspaper _____	

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.)

- Name to Appear on Water Permit City of Box Elder
Mailing Address 420 Villa Drive Box Elder SD 57719
(Address) (City) (State) (Zip Code)
Phone 605-923-1404 Mobile _____ Email mayor@boxelder.us
- Amount of water claimed _____ *CFS or _____ **GPM and 10,000 ***AF or _____ Gallons
Flow rate and volume are both required (*Cubic Feet per Second) (**Gallons per Minute) (***)Acric Feet - storage capacity of dam/dugout or annual use)
- Source of water supply Missouri River
- Location of point of diversion _____ County _____
(example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)
If not a public water supply (e.g. municipal), will water be used outside of the area described above? ☐ Yes ☐ No
If "Yes," where will water be used? _____
(example - NW1/4 section 12-T104N-R53W)
- County or counties where water will be used Meade & Pennington County, City of Box Elder
- Annual period during which water is to be used _____
- 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)

This Future Use Application will apply to a future project taking water from the Missouri River to supply municipal water to Box Elder thru a pipeline to Western South Dakota.

I, Larry G. Larson Mayor Larry G. Larson, 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.

Gronlund, Eric

From: Gronlund, Eric
Sent: Thursday, February 3, 2022 4:09 PM
To: 'Doug Curry'
Cc: Bob Kaufman; Duvall, Ron; Schlaak, Karen
Subject: RE: [EXT] Future use reservation from the Missouri river
Attachments: DOC020322-02032022164735.pdf

Mr. Curry:

As for the location of the point of diversion it is certainly acceptable to state "along the Missouri River between points in Section ____, Township ____ North, Range ____ East and Section ____, Township ____ North, Range ____ East. The city will need to fill in the blank to complete the legal descriptions. The public notice of hearing on the application is required to be published in the counties where the water is to be used and the potential points of diversion from the Missouri River.

While not necessarily pertinent to the issue at hand, your email states water use in 2017 at 283,996,784 gallons while the annual report submitted states 342,164,800 gallons (see attachment).

The statute regarding future use of water uses the wording "may reserve water for contemplated future needs". The Water Management Board's rule states "the board may, at its discretion, limit future use applications and the future use permit to two times the annual amount actually put to beneficial use". What the city sets forth is to calculate the contemplated future need in 2036 and then apply the board's two times discretionary rule which is to apply to the amount of water actually put to beneficial use. I am not convinced that is the correct reading of the intent in the statute or rule. However, I also recognize that the contemplated future need projection the city provided is until 2036 (14 years from now) and the city needs to plan for farther out than that time period. Therefore, DANR is willing to begin processing the application for the 4,480 acre feet of water annually. Understand, our recommendation may be for a lesser amount and/or the Board has it within their authority to consider an amount less than what is request based on information presented at the time of the hearing. Another option is for the city to provide a contemplated future need projection for a period farther out than 2036 if you'd had a consultant look into that.

Upon receiving clarification on the legal description for the future use permit area and affirmation on the amount of water requested to be reserved, DANR will begin processing the city future use application.

Let me know if you have questions. Eric



Eric Gronlund, PE
Chief Engineer, Water Rights Program
Department of Agriculture and Natural Resources
523 E. Capitol Ave. Pierre SD, 57501
605.773.3352
danr.sd.gov

From: Doug Curry <doug.curry@boxelder.us>
Sent: Wednesday, February 2, 2022 5:32 PM
To: Gronlund, Eric <Eric.Gronlund@state.sd.us>
Cc: Bob Kaufman <bkaufman@boxelder.us>
Subject: [EXT] Future use reservation from the Missouri river

Hello Mr. Gronlund

In December of 2021 the City of Box Elder applied for a future use reservation permit for water from the Missouri river (see attachments) . We received a letter from you/your office dated January 6, 2022, asking for the legal description of the proposed diversion point from the river. This water allocation application was submitted with the intent of securing rights for the West River Missouri water project that is currently being studied for feasibility/design. Since the project is still in the early stages the exact diversion point has yet to be established. It is assumed that it would be in the area of Pierre/Fort Pierre, but nothing is concrete. Would a range of area meet the application requirements? Example: Along the Western embankment of the river 100 miles North to 100 miles South of the Fort Pierre/Pierre area?

You also mentioned in the letter that we are eligible for a future use permit of 1,050 Ac-Ft. based upon historic water use of 283,996,784 in 2017 with a population of 9489 which equates to 98.8 gallons per capita per day. (Page 10 of the *Box Elder Water System Facility Plan Update*, attached, depicts this information). The *Box Elder Water System Facility Plan Update* forecasts water needs through 2036 for an increase in population of 9800 people (Figure 2.7-1 attached) from 2020 population of 10,457 (page 10 of *Box Elder Water System Facility Plan Update*, attached). Thus the projected population for 2036 is 20,257. Based on the parameters set forth in the letter the City should be eligible for a Future Use Permit of 4,480 Ac-Ft. Does this sound correct?

If these two items meet the intent, do I need to fill out a new application and resubmit or will your team make those corrections on the current application?

Thank you

Doug



Doug Curry

Public Works Director

City of Box Elder

420 Villa Drive | Box Elder, SD 57719

Ph: 605.923.1404, ext 272 | Cell: 605.877.4086 | Fax: 605.923.4264

doug.curry@boxelder.us

The City of Box Elder is an Equal Opportunity Provider

3 EXISTING AND FORECASTED DEMAND

3.1 Service Area

There are two service areas presented in this report. The first is the current service area, the Box Elder water infrastructure is currently serving. The current service area extends beyond the city limits toward the north east and south end of the City. Figure 3.1-1 illustrates the current service area along with the City Limits. The second service area presented is the design year service area. The City of Box Elder expects little to no growth for areas south of Morning View Drive as much of this area cannot be annexed into the City. Future service demands will be assessed to accommodate expansion to the northeast and northwest where additional growth is anticipated. *The future service area is an estimate of the service area through design year 2041 and is shown in Figure 2.7-1 (updated).* For the purposes of this report, the Ellsworth Airforce Base will be considered a separate entity and has not been included.

3.2 Current Water Demand

After evaluating the existing population and water usage data, the following water demand data was developed.

3.2.1 Average Day

The “average day” demand is the typical volume of water that is expected to be used in a day. Data was obtained from The City on the total water pumped from 2013 to 2015.¹¹

Table 3.2 -1: Per Capita Demand (updated)

Year	Well Water Pumped (Gallons)	Water Purchased from Rapid City (Gallons)	Population	Gallons Per Capita
2013	237,610,350	0	9,093	71.6
2014	246,938,200	0	9,233	73.3
2015	251,069,202	18,063,480	9,289	79.4
2016	257,111,250		9,348	90.8
2017	283,996,784		9,489	98.8
2018	271,863,645	2,638,944	9,800	92.3
2019	237,720,675		10,119	87.7
2020*	286,446,355	2,311,941	10,457	92.8

*Estimated from annual growth rate of 3.34%.

Per capita demand ranges from 71.6 gallons per capita day (gpcd) to 98.8 gpcd. For the updated facility plan, based on the past 5 years, 95 gpcd is used. Although per capita demand may exceed 95 gpcd some years, Box Elder can supplement its supply by purchasing water from Rapid City. This Facility Plan will assume an average per capita demand of 95 gallons per person per day. Typical Municipal water demands can range from 80-110 gpcd.

Using the 3.34% annual growth rate estimated in Section 2.7.2, Planning Period Population, the population for 2021 is estimated to be approximately 10,806. This results in a 2021 average day demand of approximately 1.03 MGD.

3.2.2 Peak Day

The peak day demand is the calculated maximum usage that is likely to occur within a 24-hour period throughout the year, usually in the middle to late summer when water consumption for lawns and

¹¹ City of Box Elder provided data

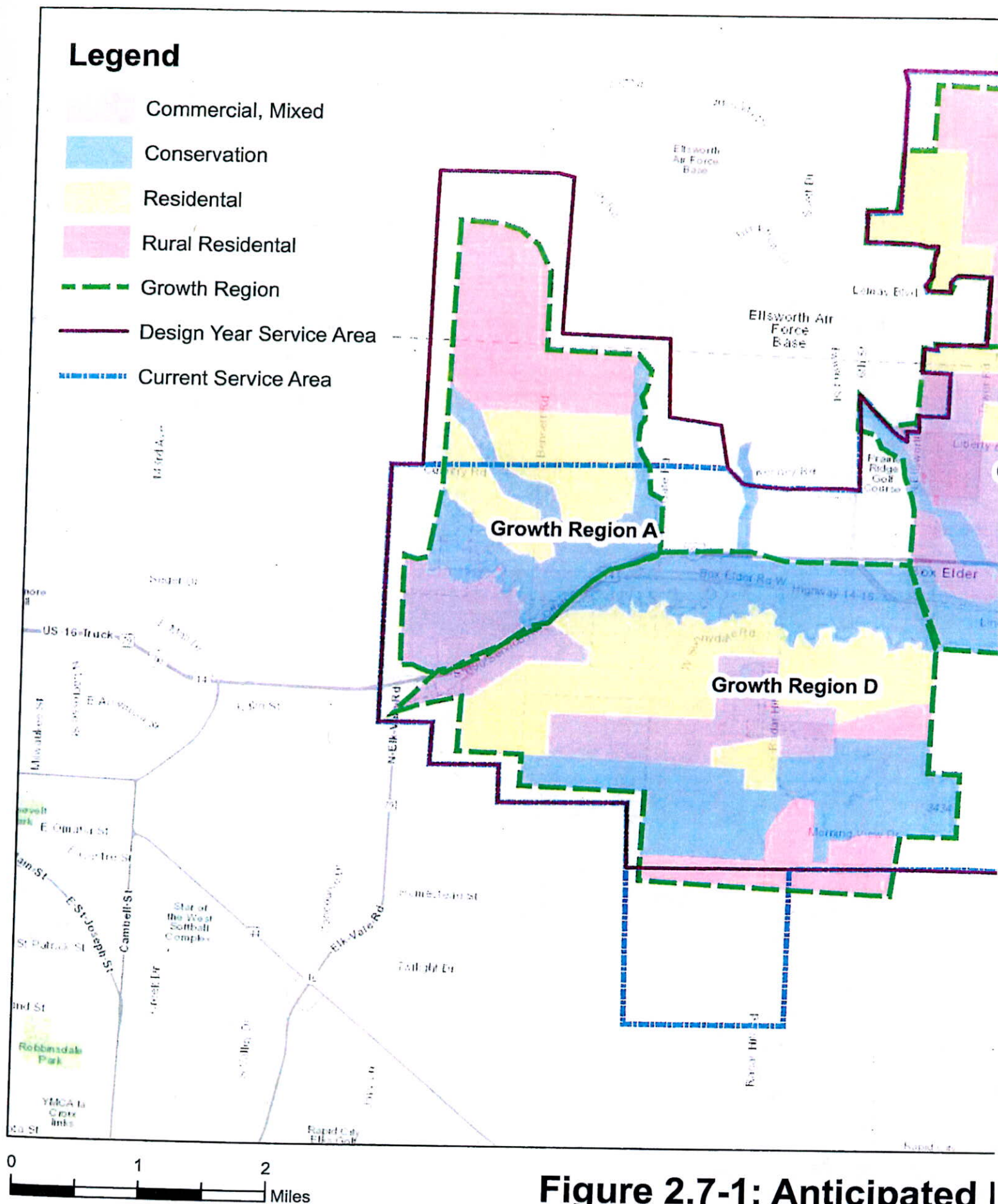


Figure 2.7-1: Anticipated I

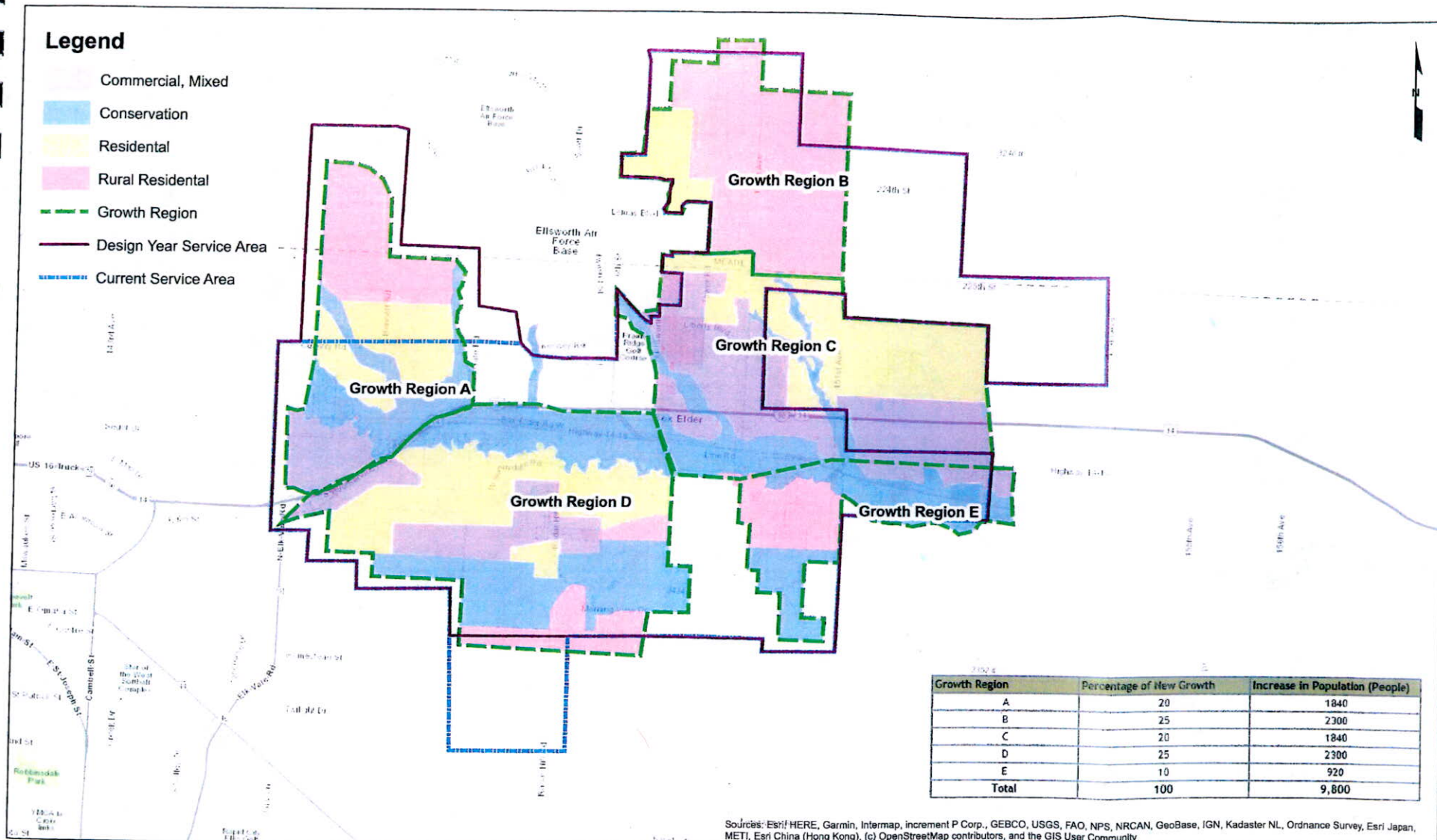


Figure 2.7-1: Anticipated Regions of Growth (Updated)



Figure 2.7-1
Anticipated Regions of Growth

RECEIVED

FEB 25 2022

WATER RIGHTS
PROGRAM



February 22, 2022

DANR
Water Rights Program
Atten: Eric Gronlund
523 East Capitol
Pierre, SD 57501-3182

Re: Application for Future Use Reservation from Missouri River

Mr. Gronlund,

Enclosed please find a revised Future Use Application from the City of Box Elder for Missouri River Water. Per your letter of January 6, 2022, we have revised our application quantity and have addressed the point of diversion question. As this application is for a smaller quantity than the first application, I assume you will be refunding us the overpayment for the application fee.

Thank you for your assistance in this matter.

Respectfully,

A handwritten signature in cursive script that reads "Bob Kaufman".

Bob Kaufman
City Engineer

CC: Public Works



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

March 3, 2022

City of Box Elder
Bob Kaufman, City Engineer
420 Villa Drive
Box Elder SD 57719

Dear Mr. Kaufman:

We have received the resubmitted *Application for a Permit to Appropriate Water* for future use for the Missouri River for the City of Box Elder. To complete the application, the following is required.

- Please include a map that identifies the legal descriptions of the possible location of the Missouri River pump station. I have included a copy of the map submitted by Rapid Valley Sanitary District with their future use application as an example of what is required.
- The application identifies "municipal" as the type of water use. If this water will be applied to users outside of Box Elder you may want to consider adding "water distribution system" as another possible use. Please let us know if you want this additional use added.

If you have any questions, please contact Ron Duvall or me.

Sincerely,

Karen Schlaak
Water Rights Program
605 773-3352
karen.schlaak@state.sd.us

enclosure



March 21, 2022

Karen Schlaak
Water Rights Program, SD DANR
Joe Foss Building
523 E. Capitol Avenue
Pierre, SD 57501-3182

RECEIVED

MAR 23 2022

WATER RIGHTS
PROGRAM

Re: City of Box Elder Future Use Permit

Dear Ms. Schlaak,

Enclosed please find map requested for the possible location of a future pump station / diversion point for the Box Elder application.

Per your letter, please add "water distribution system" for an additional use.

This should be the last item for our application. Thank you for your assistance. Please let us know if any additional information is necessary.

Respectfully,

A handwritten signature in blue ink that reads "Bob Kaufman".

Bob Kaufman
City Engineer

CC: Public Works

Enclosure



**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 FUTURE USE WATER PERMIT
APPLICATION NO. 2844-2, City of Box Elder**

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 Future Use Water Permit Application No. 2844-2, City of Box Elder, 420 Villa Drive, Box Elder SD 57719.

The Chief Engineer is recommending APPROVAL of Application No. 2844-2 for reservation of 2,100 acre feet of water annually because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the City of Box Elder has demonstrated a reasonable need to reserve water in the amount of 2,100 acre feet of water annually, 3) the proposed use is a beneficial use and 4) it is in the public interest with the following qualifications:

1. Future Use Permit No. 2844-2 reserves 2,100 acre-feet of water annually from the Missouri River.
2. That Future Use Permit No. 2844-2 is approved with the stipulation that this Permit is subject to review by the Water Management Board as to accomplishment in developing reserved water upon expiration of seven (7) years. This Permit shall be subject to cancellation if the Water Management Board determines during the review that the holder cannot demonstrate a reasonable need for the Permit.
3. At such time as definite plans are made to construct works and put the water reserved by this permit to beneficial use, specific application for all or any part of the reserved water must be submitted prior to construction of facilities pursuant to SDCL 46-5-38.1.

See report on application for additional information.

Eric Gronlund, Chief Engineer

April 8, 2022

REPORT ON FUTURE USE PERMIT APPLICATION NO. 2844-2

City of Box Elder

April 5, 2022

Future Use Permit Application No. 2844-2 proposes to reserve for a future use water permit to appropriate 2,100 acre-feet of water (ac-ft) annually from the Missouri River located between points in Section 31-T9N-R24E and Section 32-T6N-R31E. The water is to be reserved for the purpose of providing future water supplies for municipal and water distribution system uses. This application does not authorize construction of works or application of water to beneficial use. The Missouri River diversion would be located on the Oahe reservoir reach between the Cheyenne River confluence and Oahe dam in Haakon and Stanley counties respectively.

South Dakota Codified Law (SDCL) 46-2A-10 and 46-5-38.1 sets out the criteria and conditions under which a future use permit may be approved and Administrative Rule 74:02:01:24.01 defines the limits the Water Management Board may place on a future use permit. SDCL 46-2A-10 allows a future use permit to be approved only if 1) there is reasonable probability unappropriated water is available for appropriation; 2) the quantity of water reserved will be needed by the entity; 3) the proposed use will be a beneficial use; and 4) the proposed use is in the public interest. This report will address the first two criteria.

Review of the Proposed Water Source

The water source for this future use reservation is from the natural flow of the Missouri River flowing through Lake Oahe in the reach impounded behind Oahe Dam. The US Army Corps of Engineers constructed Oahe Dam impounding Lake Oahe in the 1950s and 1960's as a part of a six reservoir Pick-Sloan project for the Missouri River. The six project dams, Ft. Peck, Garrison, Oahe, Big Bend, Ft. Randall, and Gavins Point, are operated as a system providing storage and water releases for congressionally-authorized purposes. Specifically, Oahe Reservoir can impound up to 23.4 million acre-feet of water (MAF) when full. Natural flow in an instream reservoir system like the Missouri River mainstem system is the volume of water moving past a point along a river that is not augmented by artificial releases from the storage. When there is an excess of natural flow, the excess can be used to fill empty storage space in the instream reservoir and typically occurs during spring run-off. The natural flow of the Missouri River is available for appropriation without the need for releases from storage in the reservoirs to augment the natural flow.

The flow hydrograph of the Missouri River in South Dakota has been altered in the past 60 to 80 years due to the presence of the Missouri River mainstem reservoir system, with excess natural flow going into storage and stored water released to supplement flows. The USGS, in a 2001 research study, made an estimation of the Missouri River natural flows at locations on the river

at Oahe Dam and at Gavins Point Dam (Jacobson, 2001). A percentile hydrograph displaying the daily 50, 25 and 10 percentile flows corresponding to drier climatic conditions, can be derived from this study for the Missouri River at Oahe Dam (Figure 1). A percentile is a measure used in statistics to indicate the value below which a given percentage of observations in a group of observations fall, in this case daily flow. The Missouri River natural flow percentile hydrograph shows a double peak for the three percentile levels shown. The first March-April peak corresponds to the snowpack and spring rains runoff from plains of Montana, Wyoming, North Dakota, and South Dakota. The second June peak corresponds to snowmelt runoff from the mountains in Wyoming and Montana and from upstream summer thunderstorms. Considering the 10th percentile hydrograph, corresponding to the daily flow values at or below this level on average one out of ten years, there is ample natural flow available (Jacobson, 2001).

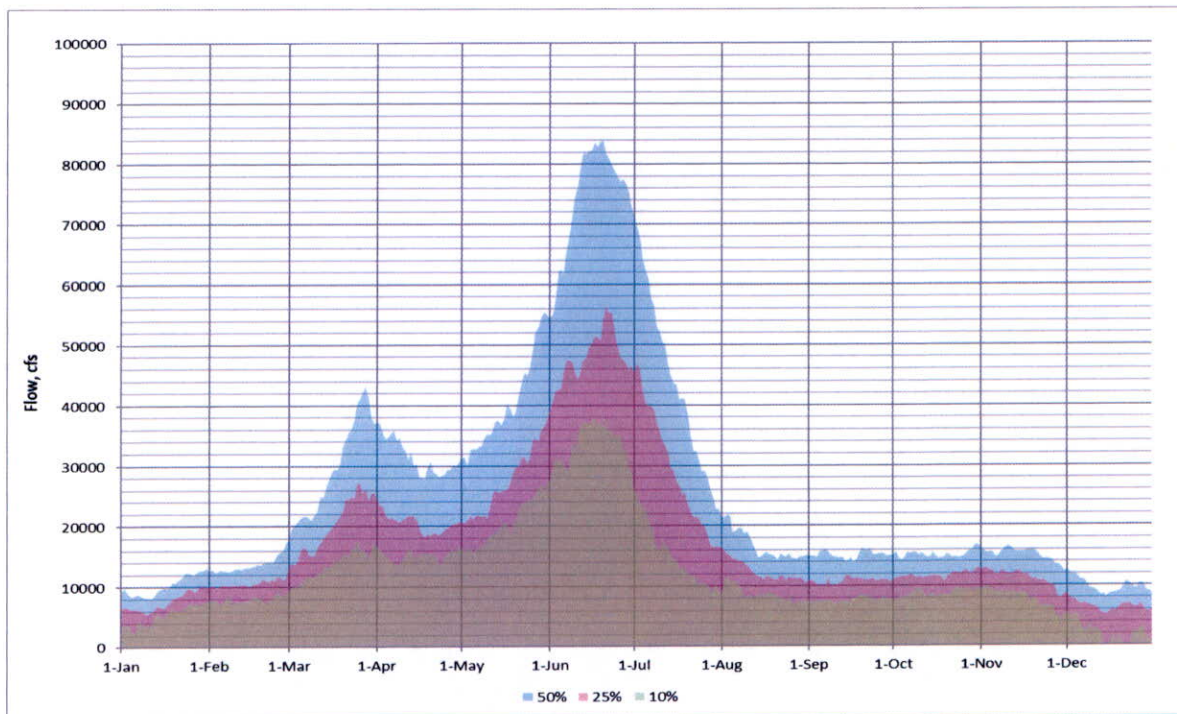


Figure 1. Natural Flow Hydrograph for the Missouri River at Oahe Dam (Jacobson, 2001).

Even at the 10th percentile flow level, this hydrograph demonstrates there is ample natural flow available, if this future use reservation is approved, throughout the year including the irrigation season of April through November. Water availability is not a concern when using the natural flows of the Missouri River as a source.

As noted earlier, the flow hydrograph of the Missouri River in South Dakota has been altered in the past 60 to 80 years due to the presence of the Missouri River mainstem reservoir system, with

excess natural flow going into storage and stored water released to supplement flows. The USGS, in a 2001 research study, made an estimation of the Missouri River natural flows at locations on the river at Oahe Dam and at Gavins Point Dam (Jacobson et. al. 2001). A percentile hydrograph displaying the daily 50, 25, and 10 percentile flows corresponding to drier climatic conditions, can also be derived from this study for the Missouri River at a point near Gavins Point Dam (Figure 2). This natural flow percentile hydrograph shows a similar double peak for the three percentile levels shown. The first April peak corresponds to the snowpack and spring rains runoff from the plains of Montana, Wyoming, North Dakota and South Dakota. The second June peak corresponds to snowmelt runoff from the mountains in Wyoming and Montana and from upstream summer thunderstorms. Considering the 10th percentile hydrograph corresponding to the daily flow values at or below this level on average one out of ten years, there is ample natural flow available, if this project is approved. As Figure 2 demonstrates, there is sufficient water for this future use reservation. Water availability is not a concern if water from this reservation is placed to beneficial use at some future date when using the natural flows of the Missouri River as a source (Jacobson, 2001).

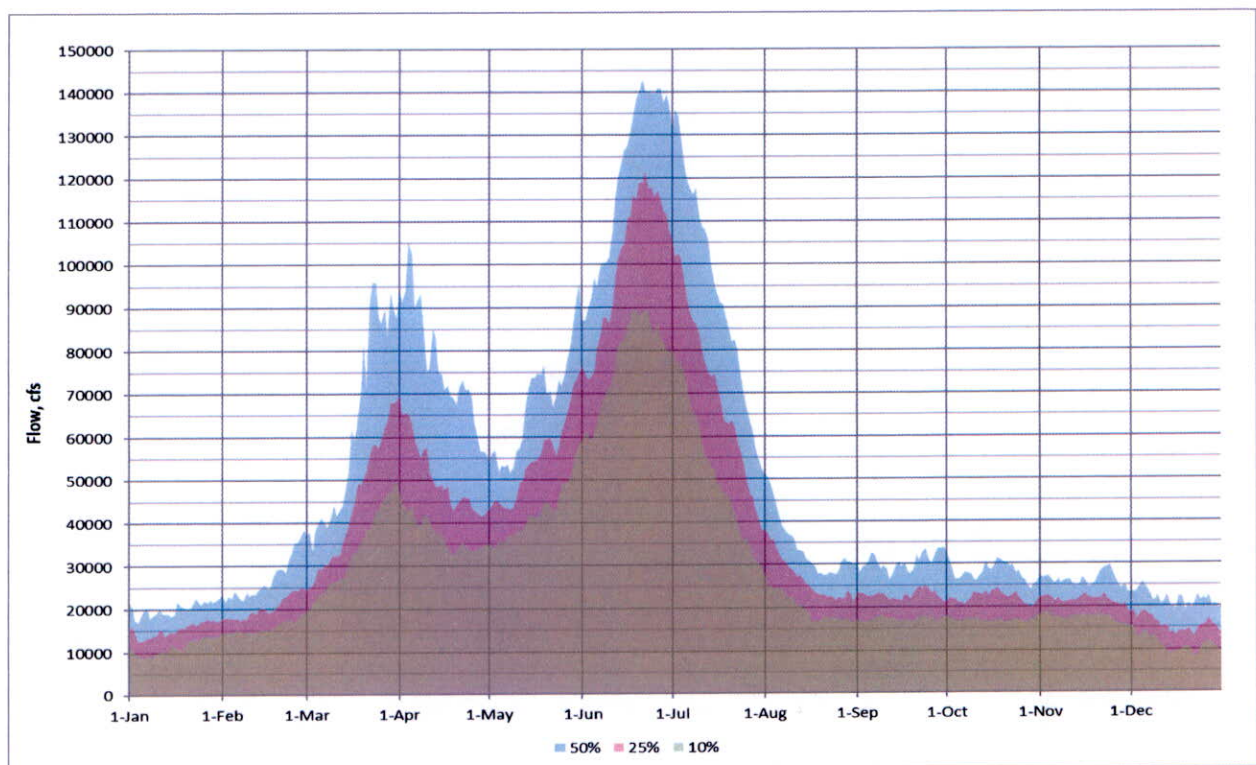


Figure 2 - Natural Flow Hydrograph for the Missouri River at Gavins Point Dam. (Jacobson, 2001)

Review of the Existing Water Rights

There are 256 existing water rights/permits appropriating water from the natural flows of the Missouri River in South Dakota with a total authorized appropriation of 1,270.36 cubic feet of

water (cfs). Currently there are 16 future use permits reserving 1,392,111 acre-feet annually from the Missouri River (Water Rights. 2022). This volume of water equates to a continuous pump rate of 1,923 cfs. Water availability from the Missouri River is not an issue and approval of this permit is not expected to adversely affect these existing water rights if water reserved by this future use permit is placed to beneficial use in the future.

Reported Water Use by the City of Box Elder

Administrative Rule South Dakota (ARSD) 74:02:01:24.01 limits future use future use permits to the amount of water needed to cover the uses specified in the future use application or future use permit. The Water Management Board may, at its discretion, limit future use applications and future use permits for entities with permits to use water to two times the annual amount put to beneficial use.

The City of Box Elder submitted information with their current water use to justify this future use request. Water use information has been submitted annually to the Water Rights Program by the City. Table 1 shows the information submitted for the past six years.

Year	Reported Annual Use, ac-ft
2016	946
2017	1050
2018	1005
2019	931
2020	683
2021	772

Table 1 – City of Box Elder reported annual use (Water Rights. 2022).

Conclusions

1. The City of Box Elder proposes to reserve for future use of 2,100 acre-feet of water from the Missouri River.
2. ARSD 74:02:01:24.01 limits future use permits to the amount of water needed to cover the uses specified in the future use application or future use permit. The Water Management Board may, at its discretion, limit future use permits to two times the annual amount put to beneficial use by the entity.
3. The amount requested is double the highest reported annual volume reported.
4. The water source for the proposed future use reservation is natural flows of the Missouri River for the purpose of providing future water supplies for municipal and water distribution system uses.

5. The proposed Missouri River diversion would be located on the Oahe reservoir reach between the Cheyenne River confluence and Oahe dam in Stanley County.
6. Based upon an evaluation of a USGS report analyzing the natural flow of the Missouri River, the review indicates a reasonable probability unappropriated water is available for reservation of water.



Mark D. Rath
Natural Resources Engineer III

References

1. Jacobson. 2001. Visualization of Flow Alternatives, Lower Missouri River U.S. Geological Survey Open-file Report OF02-122. Robert B. Jacobson and Jeanne Heuser, U.S. Geological Survey, Columbia, MO.
2. Water Rights. 2022. Water Right/Permit Files. SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, SD.

Schlaak, Karen

From: Schlaak, Karen
Sent: Monday, April 11, 2022 8:23 AM
To: mayor@boxelder.us
Subject: Water Permit Application No. 2844-2
Attachments: 3261.pdf

Attached is a copy of the report, chief engineer recommendation and information regarding the public notice for the future use water permit application for the City of Box Elder. As stated in the letter, please contact the papers 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>



RECEIVED

MAY 05 2022

WATER RIGHTS
PROGRAM

PUBLISHER'S AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA }

}SS

COUNTY OF HAAKON }

I, Selma Thorson of said County and State, being duly sworn on oath says: PIONEER REVIEW is a weekly newspaper of general circulation, published in PHILLIP, in said County and State and has been such newspaper during the times thereafter mentioned; that the said PIONEER REVIEW is a legal newspaper and has been in existence for more than one year immediately preceding the first publication herein mentioned; and has more than 200 bona fide subscribers; that I, the undersigned, am Billing Manager of said newspaper, and have personal knowledge of all facts stated in this affidavit; and that the advertisement headed:

City of Box Elder

Notice Of Hearing-Water Rights No. 2844-2

A printed copy of which is hereto attached, was printed and published in said newspaper for 1 successive issues the first publication being on the 21st day of April, 2022, and the last publication on the 21st day of April, 2022, that \$44.12 of the fee for publication of the annexed notice insures solely to the benefit of the publishers of the said newspaper; that no arrangement or understanding for a division thereof has been made with any person and that no part thereof has been agreed to be paid to any other person whomsoever.

x Selma Thorson

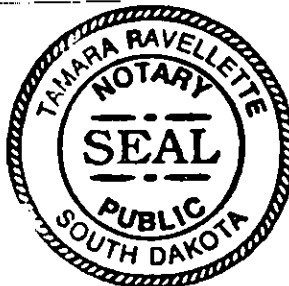
Subscribed and sworn to me before this 30th day of April 2022.

Tamara Ravellette

Notary Public, State of South Dakota

My Commission Expires

January 24, 2026



Engineer's address is "Water Rights Program, Foss Building, 623 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 2, 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://dwr.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 2, 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 April 21, 2022, at the total approximate cost of \$44.12]

NOTICE OF HEARING

ON APPLICATION NO. 2844-2 TO RESERVE WATER FOR FUTURE USE

Notice is given that the City of Box Elder, c/o Larry Larson, Mayor, 420 Villa Drive, Box Elder SD. 57719 has filed an application for a future use permit to appropriate 2,100 acre-feet of water annually from the Missouri River located between points in Section 31-T8N-R24E and Section 32-T8N-R31E. The water is to be reserved for the purpose of providing future water supplies for municipal and water distribution system uses. This application does not authorize construction of works or application of water to beneficial use.

Pursuant to SDCL 48-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2844-2 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://dwr.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 48-2A-8 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 48-2-8 and 48-2-11, 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://dwr.sd.gov/public> or by contacting the Chief Engineer. The Chief

RECEIVED

APR 26 2022

Form 8

WATER RIGHTS
PROGRAM

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
) SS
County of Meade)

I, Kris Stocklin-Johnson

certify that the attached printed Notice was taken
from the Faith Independent

printed and published in Faith

County of Meade and
state of South Dakota. The notice was published
in the newspaper on the following date:

04/20/2022

Cost of Printing \$37.76

Kris Stocklin-Johnson
(Signature)

Editor
(Title)

4/26/2022
(Date Signed)

Public Notices City of Faith - Faith School District 46-2 - Meade

Continued from previous page
disposal to effectively control said in-
festation will be required.

Published April 20 & 27, 2022 at the
total approximate cost of \$43.68

NOTICE OF HEARING on Application No. 2844-2 to Reserve Water for Future Use

Notice is given that the City of Box
Elder, c/o Larry Larson, Mayor, 420 Villa
Drive, Box Elder SD 57719 has filed an
application for a future use permit to ap-
propriate 2,100 acre-feet of water annu-
ally from the Missouri River located be-
tween points in Section 31-T9N-
R24E and Section 32-T6N-R31E. The
water is to be reserved for the purpose
of providing future water supplies for
municipal and water distribution system
uses. This application does not author-
ize construction of works or application
of water to beneficial use.

Pursuant to SDCL 48-2A-2, the
Chief Engineer recommends AP-
PROVAL of Application No. 2844-2 with
qualifications because 1) unappropri-
ated water is available, 2) existing do-
mestic water uses and water rights will
not be unlawfully impaired, 3) it is a be-
neficial 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 quali-
fications, the application, and staff re-
port are available at <https://danr.sd.gov/public> or contact Ron Duvall for this in-
formation, or other information, at the
Water Rights Program address pro-
vided 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 regu-
latory authority found in SDCL 48-2A-9
for approval or denial of the application,
or other matter concerning the applica-
tion within the regulatory authority of the
board to act upon as defined by SDCL
48-2-9 and 48-2-11, or both. Any person
meeting the petitioner requirements and
wishing to be a party of record in a con-
tested 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 ad-
dress is given above. If contesting the
Chief Engineer's recommendation, the
applicant shall also file a petition. A pe-
tition filed by either an interested person
or the applicant must be filed by May 2,
2022.

The petition shall include a state-
ment describing the unique injury upon
approval of the application on the peti-
tioner, the petitioner's reasons for op-
posing 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 En-
gineer and is available online at
<https://danr.sd.gov/public> or by calling
(605) 773-3352 or writing the Chief En-
gineer at the address provided above.

Filing a comment does not make the
commenter a party of record or a partic-
ipant in any hearing that may be held.
Any comment must be filed by May 2,
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 rec-
ommendation with no hearing held be-
fore the Water Management Board. If a
petition opposing the application or con-
testing 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 April 20, 2022 at the total
approximate cost of \$37.76

Form 8

RECEIVED

APR 25 2022

WATER RIGHTS
PROGRAM

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)

County of Hughes) SS

I, Marylin Baker

certify that the attached printed Notice was
taken

from the Capital Journal

printed and published in Pierre

County of Hughes and

state of South Dakota. The notice was
published

in the newspaper on the following date:

4-21-22

Cost of Printing \$54.64

Marylin Baker
(Signature)

Business Manager
(Title)

4-21-22
(Date Signed)

SNAXLP 19043
7/19/4/21
NOTICE OF HEARING
on Application No. 2844-2
to Reserve Water
for Future Use

Notice is given that the City of Box Elder, c/o Larry Larson, Mayor, 420 Villa Drive, Box Elder SD 57719 has filed an application for a future use permit to appropriate 2,100 acre-feet of water annually from the Missouri River located between points in Section 31-T9N-R24E and Section 32-T6N-R31E. The water is to be reserved for the purpose of providing future water supplies for municipal and water distribution system uses. This application does not authorize construction of works or application of water to beneficial use.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2844-2 with qualifications because 1) unappropriated water is available, 2) existing domestic water uses and water rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest as it pertains to matters within the regulatory authority of the Water Management Board. The Chief Engineer's recommendation with qualifications, the application, and staff report are available at <https://danr.sd.gov/public> or contact Ron Duval for this information, or other information, at the Water Rights Program address provided below.

Any person interested in opposing this application or recommendation shall allege that the application, upon approval, will cause injury to the person that is unique from any injury suffered by the public in general. The injury must concern a matter either within the regulatory authority found in SDCL 46-2A-9 for approval or denial of the application, or other matter concerning the application within the regulatory authority of the board to act upon as defined by SDCL 46-2-9 and 46-2-11, or both. Any person meeting the petitioner requirements and wishing to be a party of record in a contested case hearing shall file a written petition to oppose the application with BOTH the applicant and Chief Engineer. A petition opposing the application shall be filed on a form provided by the Chief Engineer. The petition form is available online at <https://danr.sd.gov/public> or by contacting the Chief Engineer. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E. Capitol, Pierre SD 57501" or call (605) 773-3352. The applicant's mailing address is given above. If contesting the Chief Engineer's recommendation, the applicant shall also file a petition. A

AY, APRIL 21, 2022

IEDS

Legal Notices

petition filed by either an interested person or the applicant must be filed by May 2, 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.

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Published once at the total approximate cost of \$54.64.
SNAXLP 19045
7/19/4/19, 4/21, 4/23, 4/26, 4/28, 4/30, 5/3

*** Proof of Publication ***

STATE OF SOUTH DAKOTA)

County of Pennington)

SS:

RECEIVED

APR 22 2022

WATER RIGHTS
PROGRAM

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

ORDER NUMBER 45437

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
20 day of April, 20 22
Karisee Larnick

Section: Legal

Category: 0072 Public Notices

PUBLISHED ON: 04/20/2022

TOTAL AD COST: 69.12

FILED ON: 4/20/2022

Subscribed and sworn to before me this

20th day of April, 20 22
Kelly L Kanaan Notary Public
My commission expires
Jan 17, 20 25



Apr. 20 L45437
NOTICE OF APPLICATION NO.
2844-2 to Reserve Water for
Future Use

Notice is given that the City of Box Elder, c/o Larry Larson, Mayor, 420 Villa Drive, Box Elder SD 57719 has filed an application for a future use permit to appropriate 2,100 acre-feet of water annually from the Missouri River located between points in Section 31-T9N-R24E and Section 32-T6N-R31E. The water is to be reserved for the purpose of providing future water supplies for municipal and water distribution system uses. This application does not authorize construction of works or application of water to beneficial use.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2844-2 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.

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If the applicant does not contest the recommendation of the Chief Engineer and no petition to oppose the application is received, the Chief Engineer shall act on the application pursuant to the recommendation with no hearing held before the Water Management Board. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled, and the Water Management Board will consider this application. Notice of the hearing will be given to the applicant and any person filing a petition.

(Published once at the total approximate cost of \$69.12.)

Schlaak, Karen

From: Schlaak, Karen
Sent: Monday, April 11, 2022 8:19 AM
To: Pierre Capital Journal (legals@capjournal.com)
Subject: 2844-2, City of Box Elder
Attachments: 2844-2public.short_final.docx; FORM8.FRM.doc

Attached is a notice to be published on April 21, 2022.

The City of Box Elder, c/o Larry Larson, Mayor, 420 Villa Dr, Box Elder SD 57719 (605 923-1404) 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: Monday, April 11, 2022 8:18 AM
To: newsdesk
Subject: 2844-2, City of Box Elder
Attachments: 2844-2public.short_final.docx; FORM8.FRM.doc

Attached is a notice to be published on April 21, 2022.

The City of Box Elder, c/o Larry Larson, Mayor, 420 Villa Dr, Box Elder SD 57719 (605 923-1404) 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: Monday, April 11, 2022 8:16 AM
To: 'faithind@faithsd.com'
Subject: 2844-2, City of Box Elder
Attachments: 2844-2public.short_final.docx; FORM8.FRM.doc

Attached is a notice to be published on April 20, 2022.

The City of Box Elder, c/o Larry Larson, Mayor, 420 Villa Dr, Box Elder SD 57719 (605 923-1404) 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: Monday, April 11, 2022 8:16 AM
To: RCY Legals (legals@rapidcityjournal.com)
Subject: 2844-2, City of.Box Elder
Attachments: 2844-2public.short_final.docx; FORM8.FRM.doc

Attached is a notice to be published on April 20, 2022.

The City of Box Elder, c/o Larry Larson, Mayor, 420 Villa Dr, Box Elder SD 57719 (605 923-1404) has been notified to contact you to authorize publication and arrange for payment.

Please send the affidavit or return the attached Proof of Publication form ASAP to the Water Rights Program, 523 E Capitol, Pierre SD 57501.

Let me know if you have questions. Please acknowledge receipt of this email.

Karen Schlaak

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





**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

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

April 11, 2022

City of Box Elder
c/o Larry Larson, Mayor
420 Villa Dr
Box Elder SD 57719

Dear Mayor Larson:

Water Permit Application No. 2844-2 for municipal and water distribution system use have been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice has been sent to the following papers:

Rapid City Journal, Rapid City	605 394-8336
Capital Journal, Pierre	605 224-7301
Pioneer Review, Philip	605 859-2516
Faith Independent, Faith	605 967-2161

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.

Instruction to Newspaper - Publish the Notice on April 20 or 21, 2022. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 2844-2 to Reserve Water for Future Use

Notice is given that the City of Box Elder, c/o Larry Larson, Mayor, 420 Villa Drive, Box Elder SD 57719 has filed an application for a future use permit to appropriate 2,100 acre-feet of water annually from the Missouri River located between points in Section 31-T9N-R24E and Section 32-T6N-R31E. The water is to be reserved for the purpose of providing future water supplies for municipal and water distribution system uses. This application does not authorize construction of works or application of water to beneficial use.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2844-2 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 2, 2022.

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If the applicant does not contest the recommendation of the Chief Engineer and no petition to oppose the application is received, the Chief Engineer shall act on the application pursuant to the recommendation with no hearing held before the Water Management Board. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled, and the Water Management Board will consider this application. Notice of the hearing will be given to the applicant and any person filing a petition.

Published once at the total approximate cost of_

May 24, 2022

PAYMENT REQUEST FORM

PAYEE: City of Box Elder
% Larry Larson, Mayor
420 Villa Drive
Box Elder, SD 57719

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

DESCRIPTION OF SERVICE, PRODUCE OR TRANSFER

Refund-Over Payment for Application/License Fee

AMOUNT: \$660.00

FUNDING SOURCE:

GENERAL: X

FEDERAL:

OTHER:

COMMENTS:

AUTHORIZATION:

Eve Neubert 5/31/2022

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



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

JUN 01 2022

City of Box Elder
Larry Larson, Mayor
420 Villa Drive
Box Elder SD 57719

Dear Mayor Larson:

Enclosed is Future Use Permit No. 2844-2 as approved by the Water Management Board.

When plans for facilities are prepared to put any portion of the water granted in the future use permit to beneficial use, an application covering such facilities and water use should be submitted to this office before construction is initiated.

An application/license filing fee of \$895.00 was submitted with the application. The correct fee for this permit is \$235.00. \$660.00 will be refunded to the city. The refund check should be received within the next couple of weeks.

Sincerely,

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

enclosures