

WATER PERMIT NO. 2847-2

Name of Applicant: Donovan Farms LLC

Address: 28403 238th Ave, Tuthill SD 57574 Phone: 605 685-4411

Amount of Water Claimed: 2.11 cfs Total Acres: 160 acres

Source of Water Supply: groundwater (one well)

Water to be used for: irrigation County: Bennett

Type of Waste Disposal System:

Location: 8 miles northeast of Tuthill

PRIORITY Date Received: 2-28-22 Application/License Fee: \$ 1050

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

Remarks:

Diversion Point: approximate center of NE 1/4 Sec
5-T37N-R34W

Land to be Irrigated: NE 1/4 Sec 5-T37N-R34W

Depth of Well: 300 feet deep

Well Driller:

Remarks:

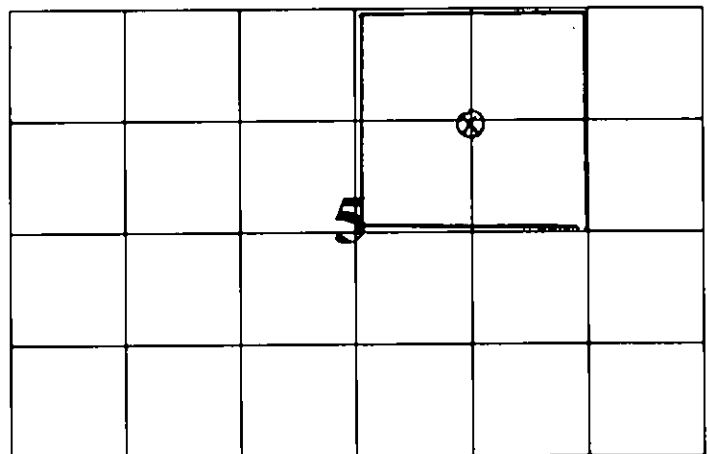
Type of Map: aerial

Prepared by:

Reviewed and the Number Assigned on: 5-6-22

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____



**SOUTH DAKOTA
WATER PERMIT NO. 2847-2**

Date of first receipt of application February 28, 2022.

Date of return to applicant for corrections, amendments or changes March 3, 2022.

Date of receipt of corrected application May 9, 2022.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 2847-2 to Donovan Farms LLC, c/o Cole Donovan, 28903 238th Ave, Tuthill SD 57574 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. 2847-2 appropriates 2.11 cubic feet of water per second from one well to be completed into the Ogallala Aquifer (approximately 300 feet deep) located in the approximate center of the NE 1/4 Section 5 for irrigation of 160 acres located in the NE 1/4 Section 5; all in T37N-R34W. This site is located approximately 8 miles northeast of Tuthill SD.
2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: April 1 – October 31.
3. The date from which applicant may claim right is May 9, 2022.
4. The date of approval of Permit No. 2847-2 is June 13, 2022.
5. One-fifth of the construction is to be completed on or before December 13, 2024.
6. All construction is to be completed on or before June 13, 2027.
7. Water is to be put to beneficial use on or before June 13, 2031.
8. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. The well approved under Water Permit No. 2847-2 is located near domestic wells and other wells which may obtain water from the same aquifer. Water withdrawals shall be controlled so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The well authorized by Permit No. 2847-2 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
3. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

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

JUN 28 2022

date



FORM 2: Application for irrigation in South Dakota

(type or print)

Mail to: DENR - Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. <u>2847-2</u>	(office use only) Hydrologic Unit <u>10140208</u>
	Basin <u>White River</u>	
	Newspaper <u>Bennett County Booster II</u>	
	<u>Rapid City Journal</u>	

RECEIVED

FEB 28 2022

WATER RIGHTS
PROGRAM

Application For Permit To Appropriate Water For Irrigation

Type of Application: ☒ New ☐ Vested Right ☐ Amendment/Correction to Permit No. _____

(Use predates Mar 2, 1955)

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

1. Name to Appear on Irrigation Permit Donovan Farms LLC

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

Mailing Address 28903 238th Ave Tuohill SD 57574
(Address) (City) (State) (Zip Code)

Phone 605-685-6978 Mobile 605-685-4411 Email donofarm@swt.net

2. Amount of water claimed 2.11 *CFS or 950 **GPM ***AF Total Acreage 160
(*Cubic Feet per Second) (**Gallons per Minute) (**Acre Feet - storage capacity of dam/dugout or annual use if applicable)

3. Source of water supply Ogallala aquifer

4. Location of point of diversion 1 well NE 1/4 5-37N-34W (approximate center)
(example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)

County Bennett

5. County or counties where water will be used Bennett

6. Annual period during which water is to be used April - October

7. List below each forty acre division, or lot, or fraction thereof and show number of acres to be irrigated in each.
(Attach sheet if more space is needed)

Land Description	Acres	Land Description	Acres
<u>NE 1/4 5-37N-34W</u>	<u>160</u>		

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

New development for a pivot irrigation for crops

I, Cole Donovan Manager, the applicant, certify under
Name of Person Title (if applicable)

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

Supplemental Information

(type or print)

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

b) If existing wells, how many _____ Provide copy of log(s), if available. Drilled by _____

For either Existing or Proposed Wells:

c) Well Depth (required) 220-300 Depth to Top of Water Bearing Material _____ Depth to Water from Surface _____d) Distance to nearest domestic well on applicant's property 1/2 mile Property owned by others 3/4 mile**2. Wastewater Disposal System Information**

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

b) System Capacity (gallons) _____ Year Constructed _____

c) Connected to the City of _____ Sanitary System

3. Dugout Information

a) Surface Dimensions _____ Depth _____

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

4. Water Storage Dams

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

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

b) Freeboard _____

c) Crest Width _____

Crest Length _____

d) Height _____

e) Primary Outlet Capacity _____

If pipe, diameter _____

f) Secondary Spillway Capacity _____

Spillway Width _____

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

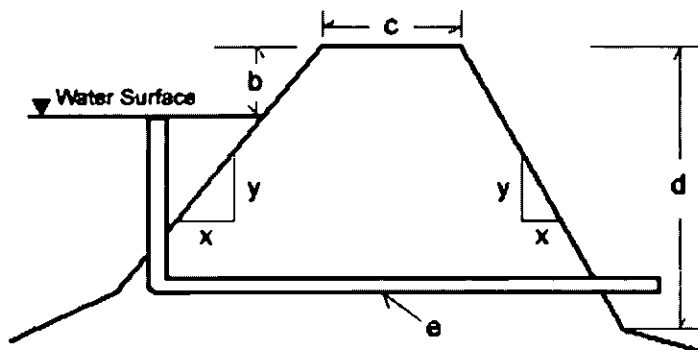
Upstream _____

Downstream _____

h) Surface Area of Impoundment _____

i) Storage _____ Acre Feet

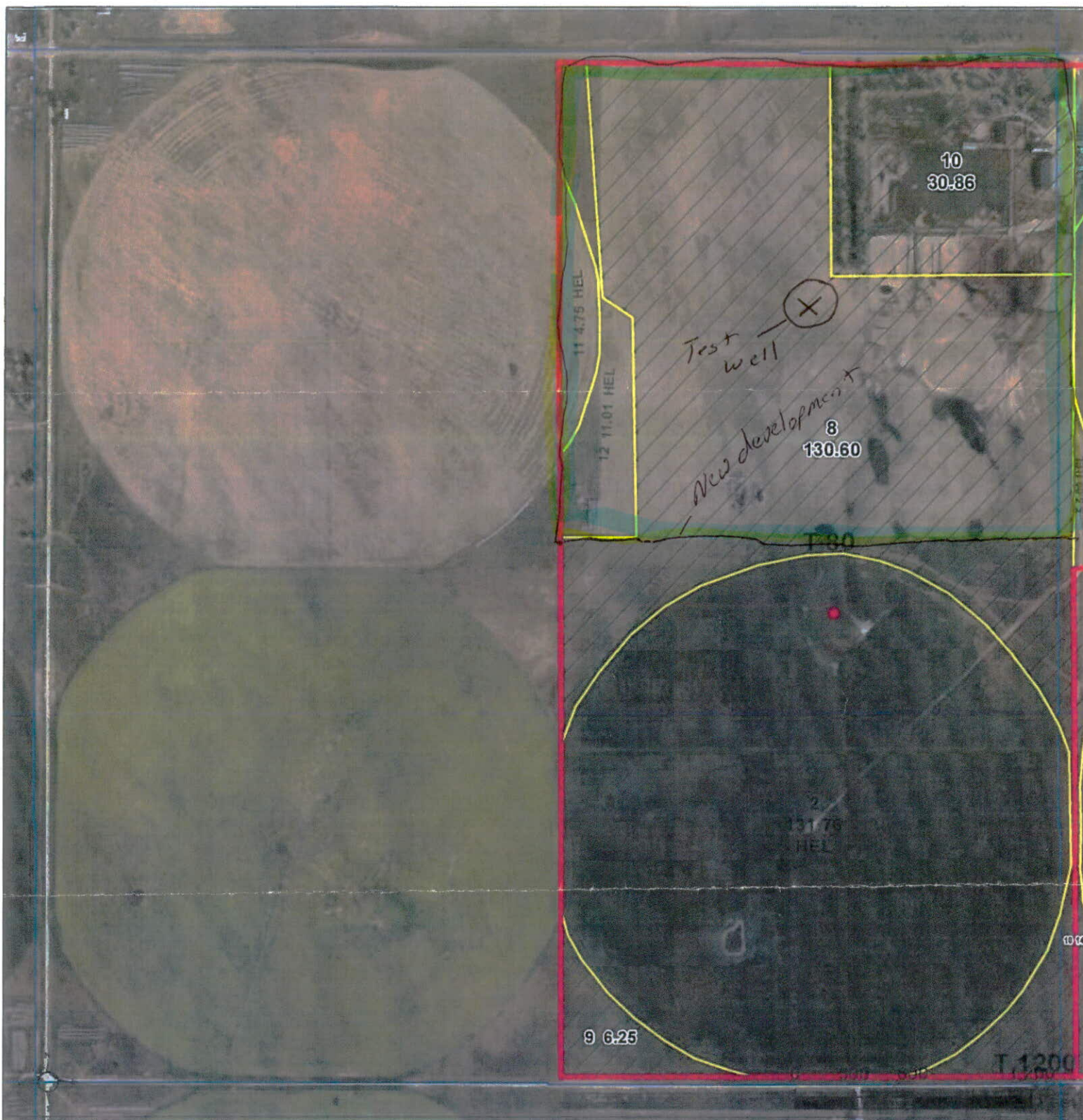
j) Drainage Area Above Dam _____ Acres





United States
Department of
Agriculture

Bennett County, South Dakota



Common Land Unit  Tract Boundary

 Non-Cropland

 Cropland

Wetland Determination Identifiers

 Restricted Use

 Limited Restrictions

 Exempt from Conservation

 Compliance Provisions

2022 Program Year

Map Created September 09, 2021

Farm 2061

5 -37N -34W

United States Department of Agriculture (USDA) Farm Service Agency (FSA) maps are for FSA Program administration only. This map does not represent a legal survey or reflect actual ownership; rather it depicts the information provided directly from the producer and/or National Agricultural Imagery Program (NAIP) imagery. The producer accepts the data 'as is' and assumes all risks associated with its use. USDA-FSA assumes no responsibility for actual or consequential damage incurred as a result of any user's reliance on this data outside FSA Programs. Wetland identifiers do not represent the size, shape, or specific determination of the area. Refer to your original determination (CPA-026 and attached maps) for exact boundaries and determinations or contact USDA Natural Resources Conservation Service (NRCS).

RECEIPT

WATER RIGHTS PROGRAM South Dakota Department of Agriculture and Natural Resources

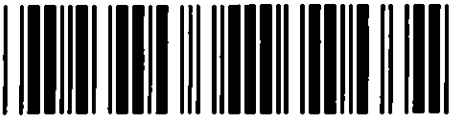
Date May 9, 2022

RECEIVED OF Donovan Farms LLC c/o Cole Donovan 28903 235th Ave., Tuthill SD 57574

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

Fee for Application for Permit No. <u>2847-2</u> to Appropriate Water, to construct and to put water to beneficial use	\$ <u>850.00</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>2847-2</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>1050.00</u>

By Eric Gronlund
Chief Engineer
Em



531340307

ANNUAL REPORT

Secretary of State
500 E. Capitol Ave
Pierre, SD 57501-5070
(605) 773-4845

Domestic Limited Liability Company
SDCL 47-34A-211; 59-11-24, 24.1

2021
FILING YEAR

Please Type or Print Clearly in Ink
Please submit one Original
Make payable to the SECRETARY OF STATE

Filing Fee: \$50

Total Fee: \$50

1. Business ID and Name:

DL045724
BUSINESS ID

Donovan Farms, LLC
BUSINESS NAME

2. The jurisdiction under whose law it is formed **SOUTH DAKOTA**

3. The address of the principal executive office (business address):

Actual Street Address

**28903 238TH AVE
TUTHILL, SD 57574-5701**

Mailing Address

**28903 238TH AVE
TUTHILL, SD 57574-5701**

4. The South Dakota Registered Agent's Name:

South Dakota law permits the registered agent to be either (a) a noncommercial registered agent, or (b) a commercial registered agent.

(a) The South Dakota Noncommercial Registered Agent's name

Name **ROBERTA DONOVAN**

Actual Street Address in this State

**28903 238TH AVENUE
TUTHILL, SD 57574**

Mailing Address in this State

5. If the LLC is manager-managed, list the names and addresses of its Managers. SDCL 59-11-24. If the LLC is member-managed, this section may be left blank.

Name	Address
ROBERTA L DONOVAN	28903 238TH AVE, TUTHILL, SD 57574
COLE B DONOVAN	28905 238TH AVE, TUTHILL, SD 57574

6. Beneficial Owners (optional): A beneficial owner is a person who has or in some manner controls an equity security. Please consult an attorney for legal advice if you have any questions concerning this entry. Any question under this heading is considered a request for legal advice and the secretary of state's office is, by statute, not permitted, to provide legal advice.

No person may execute this report knowing it is false in any material respect. Any violation may be subject to a criminal penalty (SDCL 22-39-36).



11/04/2021

Dated

Email (Optional)

Roberta L. Donovan

Signature of an Authorized Person

Roberta L Donovan

Printed Name

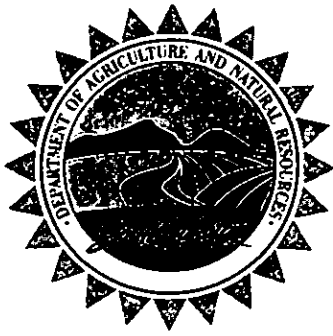
B0197-7688 11/04/2021 8:54AM Rec'd by SD SOS

I (Cole Donovan) manager with Donovan Farms is asking permission to drill a test well for irrigation on
NE1/4 5-37N-34W

Thank You

Cole Donovan

Donovan Farms



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

March 02, 2022

Cole Donovan
Donovan Farms LLC
28903 238th Ave
Tuthill, SD 57574

Dear Mr. Donovan:

As requested by letter submitted with your irrigation application on February 28, 2022, pursuant to South Dakota Well Construction Standard 74:02:04:21, you are authorized to have a South Dakota licensed well driller construct a test well, approximately 220 feet deep and completed into the Ogallala aquifer, prior to approval of a water permit. The test well will be located in the NE ¼ Section 5-T37N-R34W in Bennett County. All test wells must be constructed in accordance with the SD Well Construction Standards. Any test holes or test wells that are abandoned must be plugged pursuant to the SD Well Construction Standards.

Authorization must be obtained before water from the well can be used in excess of domestic use as defined by South Dakota Codified Law 46-1-6(7) or for uses other than domestic use. All test or permanent wells to be constructed under this test well permission must be constructed using the methods described in Administrative Rule of South Dakota (ARSD) 74:02:04:28. Approval of this test well does not assure issuance of a water permit. Following review of a Water Permit Application and assessing the availability of water, the potential impacts to existing users, the beneficial use, and the public interest of a permit, the Chief Engineer will make a recommendation to the Water Management Board regarding the application. The recommendation to approve, deny, or defer the application will be publicly noticed and an opportunity afforded for the public to intervene. A public hearing may be required to consider the water permit. If you have questions regarding permitting, please call Ron Duvall at (605) 773-3352.

Sincerely,

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



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

March 3, 2022

Donovan Farms LLC
c/o Cole Donovan
28903 235th Ave
Tuthill SD 57574

Dear Mr. Donovan:

Thank you for submitting the *Application for a Permit to Appropriate Water* on for irrigation in Bennett County. To complete the application, the following is required.

- The application/license fee for irrigation of 160 acres is \$1,050.00.

If you have any questions, please contact me.

Sincerely,

Karen Schlaak

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



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

RECEIVED

MAY 09 2022

WATER RIGHTS
PROGRAM

PAID

MAY 9 2022

Ck# 002397

Rec't# _____

May 2, 2022

Donovan Farms LLC
c/o Cole Donovan
28903 235th Ave
Tuthill SD 57574

Dear Mr. Donovan:

On March 3, 2022, you submitted an *Application for Permit to Appropriate Water Within the State of South Dakota* for irrigation in Bennett County. You were notified the application/license fee for irrigation of 160 acres is \$1,050.00.

To date, we have not received the required fee.

If you have any questions, please contact me.

Sincerely,

Karen Schlaak

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



**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. 2847-2, Donovan Farms 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. 2847-2, Donovan Farms LLC, 28903 238th Avenue, Tuthill SD 57574.

The Chief Engineer is recommending APPROVAL of Application No. 2847-2 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing domestic water uses and water rights, 3) the proposed use is a beneficial use and 4) it is in the public interest as it pertains to matters of public interest within the regulatory authority of the Water Management Board with the following qualifications:

1. The well approved under Water Permit No. 2847-2 is located near domestic wells and other wells which may obtain water from the same aquifer. Water withdrawals shall be controlled so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The well authorized by Permit No. 2847-2 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
3. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

See report on application for additional information.

Eric Gronlund, Chief Engineer
May 25, 2022

Report to the Chief Engineer
On Water Permit Application No. 2847-2

Donovan Farms LLC

May 25, 2022

Water Permit Application No. 2847-2 proposes to divert water at a maximum instantaneous diversion rate of 2.11 cubic feet per second (cfs) from one well to be completed into the Ogallala aquifer (approximately 300 feet deep) located in the approximate center of the NE ¼ of Section 5 for the irrigation of 160 acres located in the NE ¼ of Section 5; all in T37N-R34W. The site of interest is located in Bennett County approximately eight miles northeast of Tuthill, SD.

AQUIFER: Ogallala (OGLL)

HYDROGEOLOGY:

The Ogallala aquifer is encompassed within the High Plains aquifer (Filipovic, 2004 and 2011). The High Plains aquifer contains geologic units of late Tertiary and Quaternary age that are comprised of the Brule Formation, Arikaree Group, Ogallala Group, as well as other hydrologically connected alluvial, dune-sand, and valley-fill deposits (Gutentag et al., 1984). The Ogallala Group is composed of the Fort Randall, Ash Hollow, and Valentine Formations (Hammond, 1994; Filipovic, 2011; Martin et al., 2004). Within the High Plains aquifer system in South Dakota, the Ogallala aquifer is the uppermost, most readily available aquifer (Filipovic, 2011). The SD DNR-Water Rights Program and Water Management Board have historically considered the High Plains aquifer to be comprised of the Ogallala aquifer and the Arikaree aquifer to manage this regional water resource, and the two aquifers are treated as separate water sources (Water Rights, 2022c).

The Ogallala Group is comprised of gravel, fine to medium sand and sandstone, and poorly consolidated sand, silt, and clay that were deposited from eastward flowing braided streams (Gutentag et al., 1984; Martin et al., 2004). The Ogallala Group has a documented maximum cumulative thickness of approximately 700 feet (Gutentag et al., 1984). The Ogallala aquifer is generally under unconfined conditions but can be overlain by unconsolidated alluvium and eolian deposits (Filipovic, 2004 and 2011; Water Rights, 2022b and 2022d).

No water well or test hole completion report was submitted with Water Permit Application No. 2847-2. Within approximately two miles of the proposed diversion point, water well completion reports and lithologic logs on file for wells completed into the Ogallala aquifer have saturated aquifer thicknesses ranging from approximately 90 to 250 feet, with the depth to the top of aquifer materials ranging from approximately 0 to 20 feet below the ground surface, and static water levels varying between 20 to 70 feet below the ground surface at the time of well completion (SDGS, 2022; Water Rights, 2022b and 2022d). Based on the water well and test hole completion reports on file, and the lithologic logs on file for observation wells, near the proposed diversion point, the Ogallala aquifer is expected to be unconfined near the proposed diversion point (SDGS, 2022; Water Rights, 2022b, 2022c and 2022d).

The Ogallala aquifer in South Dakota is split into two portions: the main body west of Ponca Creek, and the remnant body east of Ponca Creek (Filipovic, 2004; Martin et al., 2004). Ponca Creek has completely incised through the Ogallala aquifer along its channel. The proposed diversion point for this application is within the main body of the Ogallala aquifer (Martin et al., 2004). For the remainder of this report, references to the Ogallala aquifer specifically reference the main body of the Ogallala aquifer west of Ponca Creek in South Dakota.

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 Ogallala aquifer.

WATER AVAILABILITY:

Water Permit Application No. 2847-2 proposes to appropriate water from the Ogallala aquifer. The probability of unappropriated water being available from the aquifer can be evaluated by considering SDCL 46-6-3.1, which requires "No application to appropriate groundwater may be approved if, according to the best information reasonably available, it is probable that the quantity of water withdrawn annually from a groundwater source will exceed the quantity of the average estimated annual recharge of water to the groundwater source. An application may be approved, however, for withdrawals of groundwater from any groundwater formation older than or stratigraphically lower than the greenhorn formation in excess of the average estimated annual recharge for use by water distribution systems." The Ogallala aquifer is not older than or stratigraphically lower than the Greenhorn Formation (Fahrenbach et al., 2010), and the applicant's proposed use is not for use in a water distribution system as defined by SDCL 46-1-6(17). Therefore, the average annual recharge and average annual withdrawal rates to and from the Ogallala aquifer must be considered.

HYDROLOGIC BUDGET:

The hydrologic budget completed in this analysis will exclude the water rights/permits not completed into the main body of the Ogallala aquifer. It is worth noting the wells authorized by Water Permit Nos. 2833-2 and 2834-2 are expected to be completed into relatively small sand and gravel deposits of Quaternary Eolian and Quaternary Terrace aquifers that have a significant hydrologic connection to the Ogallala aquifer. However, these deposits are geologically distinct from the Ogallala Group, do not directly overly the Ogallala aquifer, and have subsequently been identified as independent formations from the Ogallala aquifer. Due to the nature of natural discharge from the Ogallala aquifer flowing into and subsequently through these two particular deposits before discharging to the Keya Paha River, the estimated annual use by Water Permit Nos. 2833-2 and 2834-2 will be accounted for as Ogallala aquifer withdrawals. A more detailed discussion is available in Mathiowetz (2022). Additionally, Water Right No. 1260-2, which is labeled as withdrawing from the Arikaree aquifer, will be considered as completed into the Quaternary Eolian aquifer based on current lithologic information that was not available at the time the permit was issued and will also be added to the hydrologic budget of the Ogallala aquifer for the previously discussed reasons (Mathiowetz, 2022).

Recharge

Recharge to the Ogallala aquifer is primarily through the infiltration of precipitation (Filipovic, 2004 and 2011). Kolm and Case (1983) estimated a range of recharge rates for the High Plains aquifer using a two-dimensional, finite-difference model. Hedges and Burch (1985) used both base-flow recession and observation well data analysis to develop their recharge rate estimates to the Ogallala aquifer specifically. Cederberg (2021) cited a combination of sources to estimate the areal extent of the main body of the Ogallala aquifer to be approximately 1,005,360 acres in South Dakota. Table 1 lists the average annual recharge rate in acre-feet per year based on the source of the recharge rate and Cederberg's (2021) estimated areal extent of the main body of the Ogallala aquifer. Therefore, the average annual recharge rate to the Ogallala aquifer within the main body of the Ogallala Group in South Dakota ranges between approximately 108,914 to 284,852 acre-feet per year.

Table 1. Estimated average annual recharge rate to the main body of the Ogallala aquifer (Kolm and Case, 1983; Hedges and Burch 1985; Cederberg, 2021)

Estimated Avg. Annual Recharge Rate (inches/year)	Method	Source	Estimated Avg. Annual Recharge Rate (acre-feet/year)
1.3	Computer Model	Kolm and Case (1983)	108,914
1.8	Computer Model	Kolm and Case (1983)	150,804
1.88	Base-Flow Recession	Hedges and Burch (1985)	157,506
3.4	Observation Well Data	Hedges and Burch (1985)	284,852

Discharge

Discharge from the Ogallala aquifer is primarily through direct evapotranspiration, outflow to streams and rivers, outflow to adjacent and hydrologically connected aquifers, and well withdrawals (Filipovic, 2004 and 2011; Water Rights, 2022c and 2022d).

Currently, there are 175 water rights/permits authorized to withdraw water (including Water Right No. 1260-2) and 4 future use permits reserving 2,233 acre-feet per year from the entirety of the Ogallala aquifer (Water Rights, 2022c).

Water Right Nos. 475-2 and 1114-2 and Water Permit Nos. 2678-2 and 2679-2 no longer report annual water use because the land authorized for irrigation has been sold to a nearby tribe (Water Rights, 2022c). The status of irrigation water withdrawals from the Ogallala aquifer is unknown. Thus, this discharge analysis addresses only 171 water rights/permits (including Water Right No. 1260-2) (141 irrigation and 30 non-irrigation) plus the four future use permits that are reserving water from the entirety of the Ogallala aquifer (Water Rights, 2022c). Within the main body of the Ogallala aquifer, of which the aquifers for Water Permit Application Nos. 2833-2 and 2834-2 are hydrologic extensions of, there are 149 water rights/permits (135 irrigation (including Water Right No. 1260-2) and 14 non-irrigation) along with two future use permits (1,586 acre-feet per year) authorized to withdraw or reserve water from the main body of the Ogallala aquifer (Water Rights, 2022c).

Table 2 summarizes the 14 non-irrigation water rights/permits authorized to appropriate water from the main body of the Ogallala aquifer, plus the two future use permits reserving water from the main body of the Ogallala aquifer, with the estimated annual use for each water right/permit as determined by their limiting diversion rate or annual volume. Historically, average water use by non-irrigation appropriations limited by an instantaneous diversion rate have been assumed to be pumping 60% of full time at the respective permitted diversion rate. Water rights/permits limited by an annual volume are assumed to withdraw their entire respective annual volume limitation. This is a standard method used by the DANR-Water Rights Program for estimating annual withdrawals by non-irrigation appropriations from an aquifer (Water Rights, 2022c). Overall, the estimated average annual withdrawal rate for the non-irrigation water rights/permits within the main body of the Ogallala aquifer is approximately 7,875 acre-feet per year (Table 2) (Water Rights, 2022c).

Table 2. Estimated annual use for the non-irrigation water rights/permits authorized to divert water from the main body of the Ogallala aquifer, and the future use permits reserving water (Water Rights, 2022c)

Permit No.	Name	County	Status	Use	Authorized Diversion Rate (cfs)	Authorized Annual Volume (acre-feet)	Estimated Use (acre-feet/year)
521-2	City of Winner	Tripp	LC	MUN	4.11		1785.4
551-2	City of Winner	Tripp	FU	MUN	2.44		1,586
632-2	City of Colombe	Tripp	LC	MUN	0.22		95.6
882-2	City of Winner	Tripp	FU	MUN	n/a		0
976-2	City of Colombe	Tripp	LC	MUN	0.33		143.4
1038-2	City of Winner	Tripp	LC	MUN	0.87		377.9
1285-2	City of Winner	Tripp	LC	MUN	0.67		291.0
1286-2	City of Winner	Tripp	LC	MUN	0.72		312.8
1416-2	City of Winner	Tripp	LC	MUN	0.69		299.7
1942-2	Littau & Massa Et Al	Tripp	LC	DOM	0.09		39.1
2293-2	Tripp County Water User District	Tripp	LC	RWS	3.88		1685.5
2455-2	Martin J Vanderploeg	Bennett	LC	FWP	0.045		19.5
2505-2	Lakeview Christian Reform	Todd	LC	INS	0.033		14.3
2515-2	Tripp County Water User District	Tripp	LC	RWS	2.68	1,200	1,200
2621-2	Tuthill Community Presbyterian Church	Bennett	LC	INS	0.02		8.7
2804-2	Dougherty Cattle Company Inc	Tripp	PE	COM	0.13	16.12	16.12
LC: Licensed Water Right, PE: Water Permit, FU: Future Use Reservation, COM: Commercial						TOTAL:	7,875
DOM: Domestic, FWP: Fish and Wildlife Propagation, INS: Institutional, MUN: Municipal, RWS: Rural Water System							

Currently, there are 141 irrigation water rights/permits authorized to appropriate water from the Ogallala aquifer, with 135 (including Right No. 1260-2) irrigation water rights/permits authorized to appropriate water from the main body of the Ogallala aquifer (Water Rights, 2022c). Irrigation water rights/permits have been typically required to report their annual usage on an irrigation questionnaire since 1979. The estimated average annual withdrawal rate for the irrigation water rights/permits within the main body of the Ogallala aquifer that have reported over the period of record is approximately 18,987.1 acre-feet per year (Table 3) (Water Rights, 2022a). To reflect the current development of irrigation water rights/permits more accurately, the average annual withdrawal rate for irrigation appropriations from 2012 to 2020 that have reported over the period of record is approximately 23,253.5 acre-feet per year (Table 3) (Water Rights, 2022a).

Table 3 only lists 131 water rights/permits as reporting as Water Permit Nos. 2822-2, 2833-2, 2834-2 and 2836-2 were approved in 2021 or 2022, and collectively authorize the irrigation of 575 acres, and have not submitted an irrigation questionnaire at this time (Water Rights, 2022a and 2022c). The four water permits approved in 2021 or 2022 for irrigation use, account for the difference between the 135 water rights/permits currently active out of the 131 permits listed as reporting on Table 3 (Water Rights, 2022a and 2022c). Generally, irrigators in South Dakota apply less than one foot of water per acre per year. However, to account for the fluctuation in wet and dry cycles from year to year, the one foot of water per acre per year application rate will be used to somewhat overestimate the annual withdrawal rate for these irrigation water permits.

Therefore, the estimated average annual withdrawal rate for the irrigation water permits approved in 2021 or 2022 (and not included as listed as reporting on Table 3) is approximately 575 acre-feet per year (Water Rights, 2022c). The collective estimated average annual withdrawal rate for the irrigation appropriations from 2012 to 2020 (23,253.5 acre-feet/year), plus the estimated average annual withdrawal rate for the irrigation water rights/permits approved in 2021 or 2022 (575 acre-feet/year), is approximately 23,828.5 acre-feet/year (Water Rights, 2022a and 2022c).

There are domestic wells completed into the Ogallala aquifer 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 not considered to be a significant portion of the hydrologic budget. Therefore, the quantity of water withdrawn by domestic wells is estimated to be negligible to the hydrologic budget for the Ogallala aquifer.

Data was compiled for selected irrigation and municipal wells operated by the Rosebud Sioux Tribe (Valseth and Driscoll, 2020). However, it is likely not all municipal and irrigation wells that are operated by the tribe or on tribal lands were included. Furthermore, many of the selected wells that were reviewed do not include well depth or aquifer assignment to determine if the wells are completed into the Ogallala aquifer. The data does not include an estimated annual volume pumped by each well. The data available is only estimated mean production (pumping rate). Therefore, there is not sufficient information available to make a reasonably accurate estimate of average annual water use from these wells. Overall, the withdrawal rate from the Ogallala aquifer by tribe members on tribal trust land is not known.

Hydrologic Budget Summary

The estimated average annual recharge rate to the main body of the Ogallala aquifer in South Dakota ranges between approximately 108,914 to 284,852 acre-feet per year. The estimated average annual withdrawal rate from the main body of the Ogallala aquifer is approximately 31,863.5 acre-feet per year (non-irrigation (including future use): 7,875 acre-feet/year; irrigation (2012 to 2020 plus Nos. 2822-2, 2833-2, 2834-2, and 2836-2): 23,828.5 acre-feet/year; Water Permit Application No. 2847-2 (if approved, assuming one foot application rate per authorized acre): 160 acre-feet/year).

Additionally, an unknown amount of water may be withdrawn from the Ogallala aquifer by tribe members on tribal trust land. The estimated average annual withdrawal rate based on the water rights/permits currently authorized to appropriate water from the Ogallala aquifer is less than 30% of the lowest estimated average annual recharge rate to the aquifer.

Based on the hydrologic budget, there is a reasonable probability unappropriated water is available from the main body of the Ogallala aquifer for the proposed appropriation.

Table 3. Reported historic irrigation use from the main body of the Ogallala aquifer (Water Rights, 2022a)

Year	No. of Permits Reporting	Reported Pumpage (acre-feet)
1982	91	9,217.4
1983	98	10,172
1984	106	13,298.4
1985	104	18,583.5
1986	100	12,997.6
1987	99	12,397
1988	98	16,199.3
1989	99	27,326.4
1990	103	16,501.6
1991	104	16,074.5
1992	104	11,921
1993	102	11,151.9
1994	105	16,705.3
1995	103	14,252.8
1996	106	21,168
1997	107	18,661
1998	105	13,857.9
1999	106	13,709.5
2000	107	16,119
2001	106	17,989.9
2002	101	24,179.8
2003	103	22,039.1
2004	105	23,868
2005	106	20,054.7
2006	109	25,657.1
2007	111	24,010.9
2008	112	24,483.6
2009	112	22,173.6
2010	111	21,209.1
2011	112	15,235.4
2012	114	33,144.5
2013	124	26,492.3
2014	131	22,126.7
2015	131	23,993.9
2016	134	23,297.6
2017	135	27,319.3
2018	132	19,384.3
2019	131	11,464.1
2020	131	22,058.8
Min	91	9,217.4
Max	135	33,144.5
Avg	110.2	18,987.1
Avg 2012-2020	129.2	23,253.5

OBSERVATION WELL DATA:

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

Observation wells provide data on how the aquifer reacts to regional climatic conditions and local pumping. The DANR-Water Rights Program monitors 76 observation wells completed into the Ogallala aquifer, with 69 observation wells being completed into the main body of the Ogallala aquifer (Water Rights, 2022b). The three closest observation wells to the proposed diversion point are BT-76A (approximately 0.3 miles northeast), BT-76B (approximately 1.7 miles southeast), and BT-78J (approximately 2.7 miles south) (Water Rights, 2022b). The hydrographs for these observation wells are displayed in Figures 1 to 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 DANR Water Rights Observation Well on the hydrographs.

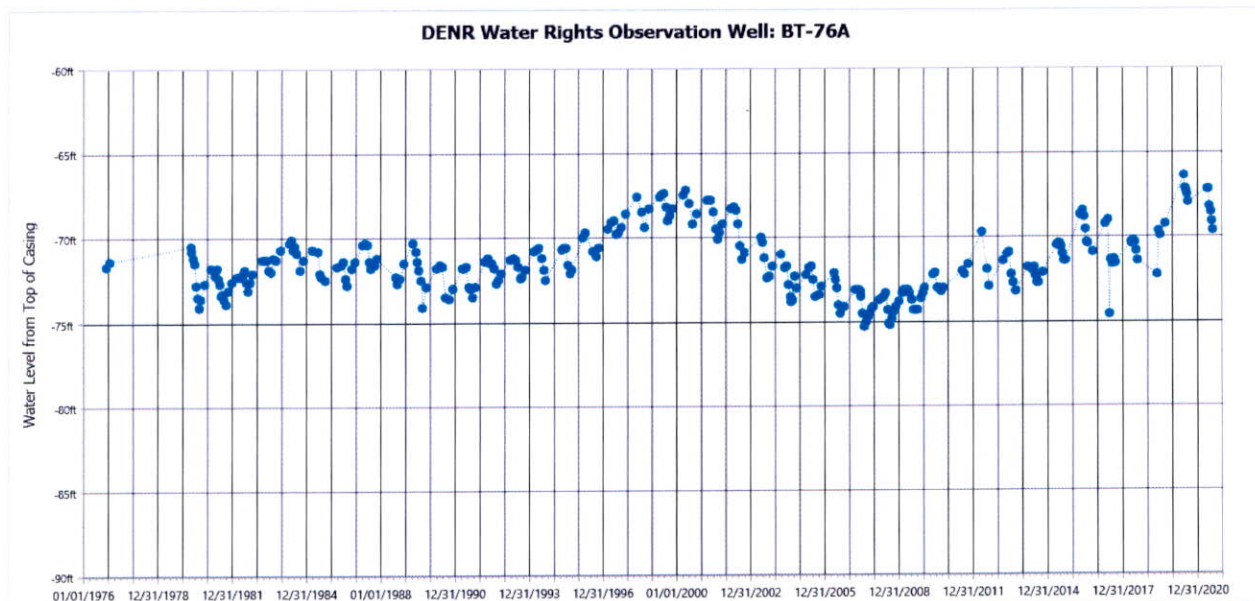


Figure 1. Hydrograph for observation well BT-76A (Water Rights, 2022b)

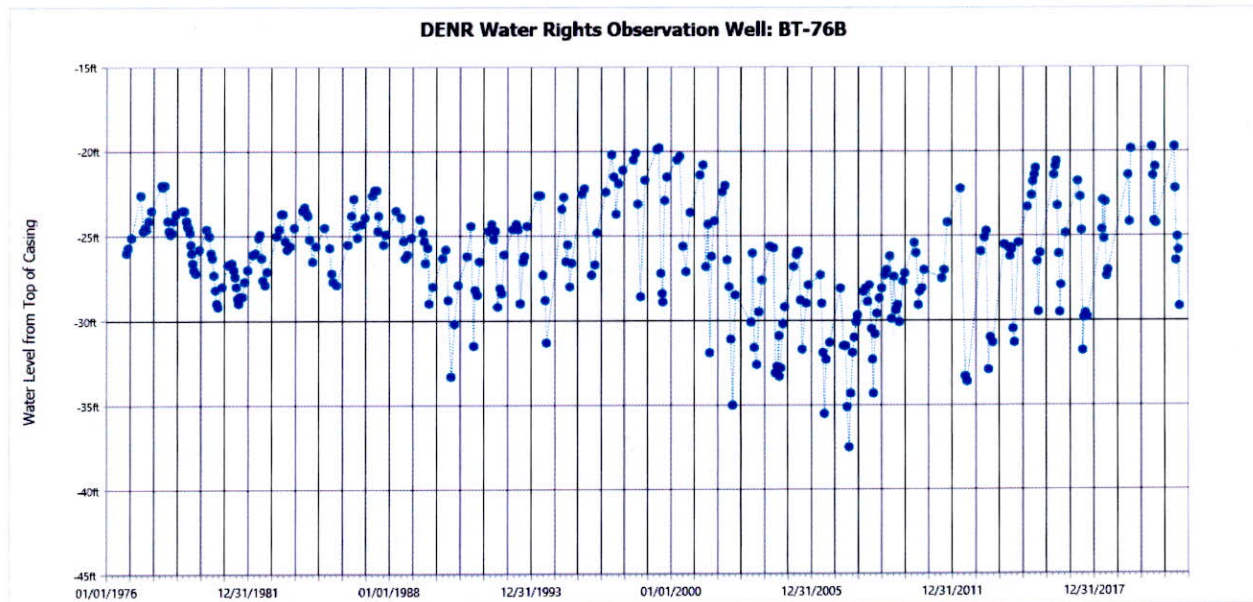


Figure 2. Hydrograph for observation well BT-76B (Water Rights, 2022b)

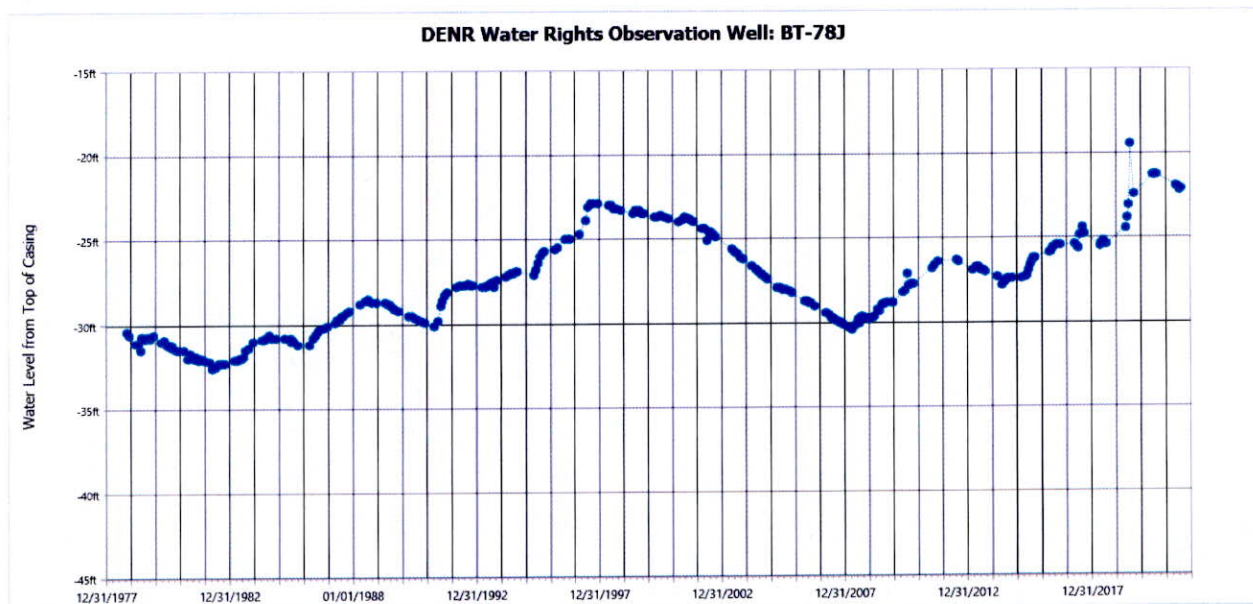


Figure 3. Hydrograph for observation well BT-78J (Water Rights, 2022b)

The hydrographs for the observation wells completed into the main body of the Ogallala aquifer display stable to slightly increasing water levels over their respective periods of record, except in areas of significant recent development such as Bennett County (Water Rights, 2022b). In the areas of significant recent development, some hydrographs show a slight recent decline in water levels (Water Rights, 2022b). This is likely representative of the potentiometric surface of the aquifer equilibrating to new and increased pumping and not indicative of over appropriation.

The hydrographs for observation wells completed into the main body of the Ogallala aquifer indicate that the aquifer responds well to climatic conditions because water levels are rising during wetter periods and declining to a stable water level during drier periods. Additionally, the water levels in the observation wells display that the amount of recharge to and natural discharge from the aquifer greatly exceeds pumping with the aquifer returning to pre-pumping conditions between irrigation seasons. Aquifer recovery indicates that climatic conditions and therefore, the effects of recharge to and natural discharges from the aquifer govern the long-term fluctuations of water levels in the aquifer rather than the impacts of pumping from the main body of the Ogallala aquifer. By recognizing that both recharge to and natural discharge from an aquifer can be captured for pumping, the observation well hydrographs demonstrate unappropriated water is available for the proposed appropriation.

POTENTIAL FOR UNLAWFUL IMPAIRMENT OF EXISTING WATER RIGHTS:

Currently, there are 171 water rights/permits that are authorized to withdraw water from the entirety of the Ogallala aquifer and four future use permits reserving water (Water Rights, 2022c). Within the main body of the Ogallala aquifer, there are currently 149 water rights/permits authorized to withdraw water, and 2 future use permits reserving water (Water Rights, 2022c). The closest water right/permit (not held by the applicant) to the proposed diversion point is Water Right No. 1680-2A, which is held by Jeff Johnson. The diversion point for Water Right No. 1680-2A is located approximately 0.6 miles northeast of the proposed diversion point for this application (Water Rights, 2022c).

There are domestic wells on file with the DNR-Water Rights Program that are completed into the Ogallala aquifer, with the closest domestic well on file (not held by the applicant) approximately 0.8 miles southwest of the proposed diversion point (Water Rights, 2022d). There could potentially be other domestic wells completed into the Ogallala aquifer near the proposed diversion point that are not on file with the DNR-Water Rights Program.

The Ogallala aquifer is generally unconfined but can be locally confined (Filipovic, 2004 and 2011; Water Rights, 2022d). The Ogallala aquifer is expected to be unconfined in the area of the proposed diversion point based on the water well and test hole completion reports on file, 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.

Near the proposed diversion point, the Ogallala aquifer has a saturated aquifer thickness ranging from approximately 90 to 250 feet (Water Rights, 2022b and 2022c). This would generally allow for enough thickness for a pump inlet to be placed 20 feet below the top of the aquifer, which is required for the well to be considered adequate. 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.” Any drawdown as a result of the proposed diversion is not expected to unlawfully impair nearby adequate wells. In Bennett County, there have been no substantiated complaints submitted to the DNR-Water Rights Program regarding well interference for adequate wells completed into the Ogallala aquifer (Water Rights, 2022d).

When considering the generally unconfined nature of the aquifer, the saturated thickness of the Ogallala aquifer near the proposed diversion point, and the lack of well interference complaints from the Ogallala aquifer in the area, any drawdown created from the proposed diversion is not expected to cause an unlawful impairment on existing water right/permit holders or domestic users with adequate wells. Therefore, there is a reasonable probability that any interference from the proposed diversion by Water Permit Application No. 2847-2 will not impose unlawful impairments on existing users with adequate wells.

CONCLUSIONS:

1. Water Permit Application proposes to divert water at a maximum instantaneous diversion rate of 2.11 cfs from one well to be completed into the Ogallala aquifer (approximately 300 feet deep) for the irrigation of 160 acres. The site of interest is located in Bennett County approximately eight miles northeast of Tuthill, SD.
2. Based on observation well data and the hydrologic budget, there is a reasonable probability that unappropriated water is available from the main body of the Ogallala aquifer to supply the proposed appropriation.
3. There is a reasonable probability that the proposed diversion by Water Permit Application No. 2847-2 will not unlawfully impair adequate wells for existing water rights/permits and domestic users.

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

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SD.

Schlaak, Karen

From: Schlaak, Karen
Sent: Wednesday, May 25, 2022 3:40 PM
To: donofarm@gwtc.net
Subject: Water Permit Application No. 2847-2
Attachments: 3496.pdf

Attached is a copy of the report, chief engineer recommendation and information regarding the public notice for your water permit application. As stated in the letter, please contact the paper(s) as soon as possible to authorize publication and arrange for payment. This information is being mailed to you today.

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



*** Proof of Publication ***

STATE OF SOUTH DAKOTA)

County of Pennington)

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

ORDER NUMBER 47007

RECEIVED

JUN 06 2022

OFFICE OF
WATER

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

1st day of June, 20 22
[Signature]

Section: Legal

Category: 0072 Public Notices

PUBLISHED ON: 06/01/2022

TOTAL AD COST: 67.97

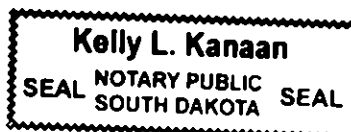
FILED ON: 6/1/2022

Subscribed and sworn to before me this

1st day of June, 20 22
[Signature] Notary Public

My commission expires

Jan 17, 20 25



Jun 1 L47007

NOTICE OF APPLICATION
NO. 2847-2 to Appropriate Water
Notice is given that Donovan Farms LLC, c/o Cole Donovan, 28903 238th Ave, Tuthill SD 57574 has filed an application for a water permit to appropriate 2.11 cubic feet of water per second from one well to be completed into the Ogallala Aquifer (approximately 300 feet deep) located in the approximate center of the NE 1/4 Section 5 for irrigation of 160 acres located in the NE 1/4 Section 5, all in T37N-R34W. This site is located approximately 8 miles northeast of Tuthill SD.
Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2847-2 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 June 13, 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 June 13, 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 \$67.97)

RECEIVED

JUN 03 2022

OFFICE OF
WATER

Donovan Farms

Affidavit of Publication

State of South Dakota

County of Bennett

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

June 1, 2022

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

Signed: _____

Taylor Risse

Subscribed and sworn to before me this 1 day of June, 2022.

Notary Public

My Commission Expires
December 9, 2027



Legal Notices

Notice of Primary Election

A Primary Election will be held on Tuesday June 7th, 2022 in all the voting precincts in Bennett County.
The election polls will be open from seven o'clock a.m. to seven o'clock p.m. mountain standard time on the day of the election.
The polling place in each precinct of this county is as follows:
Martin City Precinct at the Library Community Room
Allen Precinct at the Pass Creek CAP Office
Vetal/Tuhuli Precinct at the Vetal Fire Hall (Former Riverside School)
Martin Rural #26/27 at the Martin Fire Hall
Any voter who needs assistance, pursuant to the Americans with Disabilities Act must contact the county auditor at 605-685-6931 before the election for information on polling place accessibility for people with disabilities.

Linay Little Eagle, County Auditor
Bennett County

5/02/04 16 SDCL 12-12-1
Published twice at the total approximate cost of \$30.13
and can be viewed free of charge at www.sdpublicnotices.com.
Published: May 25, June 1, 2022

Instructions to the Voters

VOTING RIGHTS

Any voter who can't mark a ballot because the voter has a physical disability or can't read, may ask any person he or she chooses to help the voter vote.
Any voter may ask for instruction in the proper procedure for voting.
Any voter at the polling place prior to 7:00 p.m. is allowed to cast a ballot.
If your voting rights have been violated, you may call the person in charge of the election at (605)685-6931, the Secretary of State at 888-703-5428, or your state's attorney.
Any person who is convicted of a felony on or after July 1, 2012, loses the right to vote. However, any such person may register to vote following the completion of the person's felony sentence.
Any person who is convicted of a felony on or before June 30, 2012, and who receives a sentence of imprisonment to the adult penitentiary system, including a suspended execution of sentence, loses the right to vote. Any such person so sentenced may register to vote following completion of the person's sentence. Further information is available at www.sdos.gov.
Published once at the total approximate cost of \$18.98
and can be viewed free of charge at www.sdpublicnotices.com.
Published: June 1, 2022

Proceedings

Bennett County School District 3-1
Board of Education Minutes
Special Meeting
Library Community Room
May 23, 2022

The Special meeting of the Bennett County School District 3-1 was called to order by President, Mike Olson at 7:00 p.m. Pledge of Allegiance was led by Board President Olson. Board members present: Alexander, Harris, Huber, Olson, Fanning, Administration present. Superintendent Halverson and in coming Superintendent Frederick.

202.0-22 Fanning moved to approve the agenda with the following additions and changes seconded by Harris. All voting aye, motion carried.

203.0-22 Accept resignation of Nick Redden, BCHS principal, boys basketball.
204.0 Executive session.
205.0 Adjournment.

203.0-22 Alexander moved to accept resignation of Nick Redden, BCHS Principal and Head Boys Basketball Coach, seconded by Harris. All voting aye, motion carried.
204.0-22 Huber moved to enter executive session at 7:04 for personnel matters pursuant to SDCL 1-25-2(1), negotiations pursuant to SDCL 1-25-2(4) and legal issues pursuant to SDCL 1-25-2(3) with possible action, seconded by Fanning. All voting aye, motion carried. Chairman Olson declared out of executive session at 7:33.

205.0-22 Fanning moved to adjourn at 7:34 p.m., seconded by Alexander. All voting aye, motion carried.

Mike Olson, Chairman
Joel Robinson, Co-Business Manager

Published once at the total approximate cost of \$24.42
and can be viewed free of charge at www.sdpublicnotices.com.
Published: June 1, 2022

Notice of Application No. 2847-2 to Appropriate Water

Notice is given that Donovan Farms LLC, c/o Cole Donovan, 28903 238th Ave, Tuhuli SD 57574 has filed an application for a water permit to appropriate 2.11 cubic feet of water per second from one well to be completed into the Ogallala Aquifer approximately 300 feet deep located in the approximate center of the NE 1/4 Section 5 for irrigation of 160 acres located in the NE 1/4 Section 5, all in T37N R34W. This site is located approximately 8 miles northeast of Tuhuli SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2847-2 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://dam.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 under 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 to 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://dam.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 June 13, 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://dam.sd.gov/public> or by calling (605) 773-3352 or writing the Chief Engineer at

OFFICIAL NONPOLITICAL PRIMARY ELECTION BALLOT

INSTRUCTIONS TO THE VOTER:

To vote on a ballot question FILL IN the oval (●) next to "yes" or "no".

Use only a pen.

If you make a mistake, give the ballot back and get a new one.

DO NOT cast more votes than are allowed in each race.

Constitutional Amendment

The following amendment to the State Constitution is submitted to the voters by the legislature. The amendment will not become effective unless approved by majority vote.

Constitutional Amendment C

Title: A Constitutional Amendment Requiring Three-Fifths Vote for Approval of Ballot Measures Imposing Taxes or Fees or Obliging over \$10 Million.

Attorney General Explanation: Currently the constitution requires that any new tax or tax increase must be approved either by voters or by two-thirds of the members of each legislative branch. To be approved by voters, such a measure must obtain a majority of the votes cast. This constitutional amendment requires that any initiated measure, proposed constitutional amendment, or referred measure imposing or increasing taxes must obtain three-fifths of the votes cast to be approved.

This constitutional amendment also adds the requirement that any initiated measure, proposed constitutional amendment, or referred measure obligating the state to appropriate \$10 million or more in any of the first five fiscal years must obtain three-fifths of the votes cast to be approved.

This constitutional amendment additionally requires any initiated measure, proposed constitutional amendment, or referred measure which imposes or increases fees to obtain three-fifths of the votes cast to be approved.

☐ Yes Vote "Yes" to adopt the amendment.

☐ No Vote "No" to leave the Constitution as it is.

Published once at the total approximate cost of \$308.00
and can be viewed free of charge at www.sdpublicnotices.com.
Published: June 1, 2022

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 June 13, 2022.
If the applicant does not contest the recommendation of the Chief Engineer and no petition to oppose the application is received, the Chief Engineer shall act on the application pursuant to the recommendation with no hearing held before the Water Management Board. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled, and the Water Management Board will consider this application. Notice of the hearing will be given to the applicant and any person filing a petition.
Published once at the total approximate cost of \$48.91
and can be viewed free of charge at www.sdpublicnotices.com.
Published: June 1, 2022

Notice to Bidders

Notice is hereby given that the Bennett County Board of Commissioners are accepting sealed bids for hauling gravel.
The amount of approximately 8,700 tons of gravel or until the stockpile is depleted by the loaded rule of 25 ton per load.
Gravel to be hauled from the May Pit located in Jackson County S 1/2 Sec 24 T41 R40, to Central Loop roads.
Delivery must be completed by November 1, 2022, weather conditions will be considered, with a late penalty imposed of \$200.00 per day.
The successful bidder will be required to furnish proof of insurance and provide certificate of insurance for Workmen's Compensation.
The successful bidder must provide a loader at the site and must have trucks available to haul. Successful bidder will also need to get a Haul Agreement from Ogallala Sioux Tribe.
All bids shall be accompanied by a bid bond in the form of a certified check, cashier's check or bank draft in an amount equal to ten percent (10%) of the bid and issued by either a state or national bank and made payable to Bennett County. In lieu of a bid check, the bidder may submit a surety bond for ten percent (10%) of the amount of bid. The surety is to be payable to Bennett County as a guarantee the bidder will provide the services.
All bids must be submitted in a sealed envelope plainly marked as "Bid on Trucking".

All sealed bids must be filed in the Bennett County Auditor's Office, 202 Main Street, Martin, SD or mailed to the Bennett County Auditor, PO Box 460, Martin, SD 57551. Bids must be received no later than June 15, 2022 at 2:30 p.m. (MT). Bids will be opened at the Commissioner's meeting in the Bennett County Courthouse, June 15, 2022 at 2:30 p.m. (MT).
The Board of Bennett County Commissioners reserves the right to accept or reject any or all bids, to waive any irregularities or technicalities therein, to advertise for new proposals, and to accept the bid that is to the best advantage of and is in the best interest of Bennett County.
For further information you may contact Bo Sharp, Bennett County Highway Superintendent, at 605-685-6727, or Linay Little Eagle, Auditor at 605-685-6931.

Linay Little Eagle, Bennett County Auditor
Published twice at the total approximate cost of \$57.64
and can be viewed free of charge at www.sdpublicnotices.com.
Published: June 1, 8, 2022

www.bennettcountyboostersd.com

Notice to Creditors

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

Estate of
Jerry D. Grass,
Deceased. Case No. 03PRO21-4

Notice of Hearing on Petition for Complete Settlement After Informal Probate Proceedings

Notice is given that a Hearing on Petition for Complete Settlement of the Estate of Jerry D. Grass, Deceased, has been filed in the Circuit Court of Bennett County, Sixth Judicial Circuit, on the 9th day of June, 2022, 11:00 a.m., MDT, or soon thereafter may the same be heard.

Karmell Sharp, Petitioner,

By /s/ Warren Arganbright
Warren Arganbright
Arganbright Law Office, L.L.C.
PO Box 67
Valentine, NE 69201
(402) 376-2088
Published three times at the total approximate cost of \$59.54
and can be viewed free of charge at www.sdpublicnotices.com.
Published: March 25, June 1, 8, 2022

Ogallala Sioux Lakota Nursing Home Help Wanted

Infection Control/Restorative Nurse
\$37/hr RN \$27/hr. LPN M-F 8-4:30 pm, Full Time,
Open until filled

The primary purpose of your job as the Infection Control Nurse is to plan, organize, develop, coordinate, and direct our infection control program and its activities in accordance with current federal, state, and local standards, guidelines, and regulations that govern such programs. As the Restorative Nurse is to perform restorative nursing procedures that maximize the resident's existing abilities, emphasize independence instead of dependence, and minimize the negative effects of disability with an attitude of realistic optimism under the supervision of a Director of Nursing.

Please apply online at www.oslnh.com or you can come to facility & call (308)862-4020 and we will bring one out to you.

*Fulltime Employee Benefits includes: *

- Health, Dental, Vision and Life Insurances
- 401k 4% Match plan
- Paid Time Off (PTO)
- Employee Assistance Programs

Schlaak, Karen

From: Schlaak, Karen
Sent: Wednesday, May 25, 2022 10:46 AM
To: RCY Legals (legals@rapidcityjournal.com)
Subject: 2847-2, Donovan Farms LLC
Attachments: 2847-2public.short_final.docx; FORM8.FRM.doc

Attached is a notice to be published on June 1 ,2022.

Donovan Farms LLC, c/o Cole Donovan, 28903 238th Ave, Tuthill SD 57574 (605 685-4411) 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, May 25, 2022 10:46 AM
To: 'booster@gwtc.net'
Subject: 2847-2, Donovan Farms LLC
Attachments: 2847-2public.short_final.docx; FORM8.FRM.doc

Attached is a notice to be published on June 1, 2022.

Donovan Farms LLC, c/o Cole Donovan, 28903 238th Ave, Tuthill SD 57574 (605 685-4411) has been notified to contact you to authorize publication and arrange for payment.

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

Karen Schlaak

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





**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

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

May 25, 2022

Donovan Farms LLC
c/o Cole Donovan
28903 238th Ave
Tuthill SD 57574

Dear Mr. Donovan:

Water Permit Application No. 2847-2 for irrigation use have been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice has been sent to the Bennett County Booster II printed at Martin (Ph # 605 685-6866) and the Rapid City Journal printed at Rapid City (Ph # 605 394-8336). You will need to contact the newspapers and authorize publication of this notice. For your information, a copy of the notice, the recommendation of the Chief Engineer and report on the application are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

Be sure to contact the above newspapers to authorize publication of your Notice and to arrange for payment. Early contact with the papers can eliminate delays. Upon receiving authorization from you, the publishers have been instructed to publish your notice. The newspapers have also been instructed to send us the Proof of Publication. We must receive Proof of Publication before action can be taken on the application.

Sincerely,

Karen Schlaak

Karen Schlaak
Water Rights Program
(605) 773-3352

enclosures

NOTE: If you plan to contest any part of the Chief Engineer's recommendation, you must file a petition pursuant to the procedures outlined in the attached notice of hearing. The Water Management Board will then consider your concerns during a hearing on the application.

NOTICE OF APPLICATION NO. 2847-2 to Appropriate Water

Notice is given that Donovan Farms LLC, c/o Cole Donovan, 28903 238th Ave, Tuthill SD 57574 has filed an application for a water permit to appropriate 2.11 cubic feet of water per second from one well to be completed into the Ogallala Aquifer (approximately 300 feet deep) located in the approximate center of the NE 1/4 Section 5 for irrigation of 160 acres located in the NE 1/4 Section 5; all in T37N-R34W. This site is located approximately 8 miles northeast of Tuthill SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2847-2 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 June 13, 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 June 13, 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_



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

JUN 28 2022

Donovan Farms LLC
c/o Cole Donovan
28903 238th Ave
Tuthill SD 57574

Dear Mr. Donovan:

Enclosed is Water Permit No. 2847-2 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

2871-2
RECEIVED

JUL 14 2022

OFFICE OF
WATERNOTICE OF COMPLETION OF WORKS AND
APPLICATION OF WATER TO BENEFICIAL USEDate 7/10/2022TO: Water Rights Program, DANR
523 E. Capitol
Pierre, SD 57501-3181FROM: Dorovan Farms LLC

(name)

28903 238th AVE

(address)

Tuohill, SD 57574

(city, state, zip)

605-685-4411

(phone)

I have completed the construction of the water use system and I have put the water to beneficial use to the maximum extent it is going to be used.

Water Permit No. 2847-2 states that the water use system is to be constructed by6-17-22

(date)

, and water is to be put to beneficial use by

6-17-22

(date)

The water use system was completed on 6-17-22

(date)

Applying the water to beneficial use was completed on 6-17-22

(date)

You may schedule an investigation so that the water license may be issued.



(signature)





**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

July 14, 2022

2847-2

Cole Donovan
Donovan Farms LLC
28903 238th Ave
Tuthill SD 57574

Dear Mr. Donovan:

I am writing to acknowledge receipt of the "Notice of Completion of Works" form that you sent in to let us know that you are completed with the irrigation system authorized under Water Permit No. 2847-2.

The system is now ready for inspection. Inspections are done on a county-by-county basis as staff time permits. You have done everything you need to do and the intervening time between the completion of your project and the staff inspection has no bearing on your water permit.

Someone from our office will contact you prior to the inspection to set up a time that is convenient for you. If you have any questions, please contact me.

Sincerely,

Genny McMath
Water Rights Program
(605) 773-3352
email: genny.mcmath@state.sd.us

2847-2

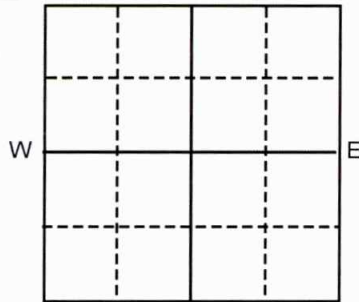
SD EForm - 1621LD V1

SOUTH DAKOTA WATER WELL COMPLETION REPORT

11-02

Location SE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec 5 Twp 37 Rg 34County Bennett

North

Please mark well
location with an "X"

Well Completion Date

June 16, 2022

1 Mile

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

PROPOSED USE:

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

METHOD OF DRILLING:

REVERSE ROTARY

CASING DATA:

☐ Steel ☒ Plastic ☐ Other

If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
20.0 LB/FT	16.00 IN	1.0 FT	54.0 FT	28.00 IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN

GROUTING DATA:

Grout Type	No. of Sacks	Grout Weight	From	To
CEMENT	50	15.5 Lb/gal	20.0 Ft	0.0 Ft
_____	_____	_____ Lb/gal	_____ Ft	_____ Ft

Describe grouting procedure

PUMPED TREMIE PIPE

SCREEN:

☒ Perforated pipe ☐ Manufactured
 Diameter 16.00 Inches Length 220.0 Feet
 Material PVC
 Slot Size .051 Set From 54.0 Feet to 274.0 Feet
 Other information _____
WAS A PACKER OR SEAL USED? ☐ Yes ☒ No

If so, what material? _____

Describe packer(s) and location _____

DISINFECTION: Was well disinfected upon completion?

☒ Yes, How? HTH☐ No, Why Not? _____Lab to which water
quality sample sent for analysisWell Owner: Donovan Farms LLC

Business Name: _____

Address: 28903 - 238 AvenueCity, State, Zip: Tuthill SD 57574

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
top soil	0	2
sand w/clay, sand fine to med,	2	24
sand w/clay, sand fine-med-coarse	24	76
sandstone, sand w/clay, fine-med sand	76	154
sand fine-med-coarse, sand w/clay	154	234
sand fine-med, sandstone, sand w/clay	234	304
sandstone & clay	304	322
shale w/ red rock	322	340

STATIC WATER LEVEL 34.0 FEET

If flowing: closed in pressure _____ PSI

GPM flow _____ through _____ Inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other _____

Reduced flow rate _____ GPM

Can well be completely shut in?

WELL TEST DATA:

☒ Pumped Describe: _____☐ Bailed☐ Other

Pumping Level Below Land Surface

78.0 Ft. After 2.0 Hrs. pumped 1,600.0 GPM72.0 Ft. After 2.0 Hrs. pumped 1,400.0 GPM

If pump installed, pump rate: _____ GPM

REMARKS

This well was drilled under license # 189 and this report is true and accurate.Drilling firm: GROSCH IRRIGATION CO., INC.

Signature of License Representative: _____

Signature of Well Owner or Equitable Property Holder: _____

RECEIVED

Date: 8/31/2022

SEP 06 2022

OFFICE OF
WATER