

WATER PERMIT NO. 2849-2

Name of Applicant: Tripp County Water User District

Address: 1052 West 1st St, Winner SD 57580

Phone: 605 840-2174

Amount of Water Claimed: 4,440 AF

Total Acres: NA

Source of Water Supply: Ogallala Aquifer

Water to be used for: rural water system use

County: Tripp

Type of Waste Disposal System:

Location: 9 miles south of Winner

PRIORITY

Date Received: 6-30-22

Application/License Fee: \$ 425

Corrected Application Received:

Period of Annual Use: Jan 1 – Dec 31

Remarks: Future Use Reservation

Future Use Area: Secs 7, 15, 16, 17, 18, 20, 21, 22,
27, 28, 29; all in T97N-R76W and Secs 12, 13, 24;
all in T97N-R77W

Land to be Irrigated: NA

Depth of Well:

Well Driller:

Remarks:

Type of Map: topo

Prepared by:

		R77W	R76W		
	12	7			
	13	18	17	16	15
	24	19	20	21	22
		R77W	R76W	29	28
				27	

Reviewed and the Number Assigned on: 6-30-22

By: Karen Schlaak

Notice of Hearing - date to intervene: _____

**SOUTH DAKOTA
FUTURE USE PERMIT NO. 2849-2**

Date of first receipt of application June 30, 2022.

The Chief Engineer, on behalf of the Water Management Board, issues Future Use Permit No. 2849-2 to Tripp County Water User District, c/o Lisa Stiehl, Manager, 1052 West 1st St, Winner SD 57580-0946 subject to the following limitations, conditions and qualifications:

1. Future Use Permit No. 2849-2 reserves for future use 4,440 acre-feet of water annually from the Ogallala Aquifer. The area to be reserved for future use is in Sections 7, 15, 16, 17, 18, 19, 20, 21, 22, 27, 28, and 29; all in T97N-R76W and Sections 12, 13, and 24; all in T97N-R77W. The water is reserved for the purpose of providing future water supplies for the district which serves users in Tripp, Gregory, Lyman, Mellette, and Todd Counties. This site is located approximately 10 miles south of Winner SD.
2. The water appropriated shall be used for the purpose of future rural water system use and may not exceed the amount of water needed for beneficial use.
3. The date of approval of Future Use Permit No. 2849-2 is August 22, 2022.
4. The date from which applicant may claim right is June 30, 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. 2849-2 reserves 4,440 acre-feet of water annually from the Ogallala aquifer.
2. That Future Use Permit No. 2849-2 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 Environment and Natural Resources

SEP 26 2022
date



JUN 30 2022

Mail to: DENR - Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. <u>2849-2</u> (office use only) Hydrologic Unit <u>10140204</u>	OFFICE OF WATER
	Basin <u>White River</u>	
	Newspaper <u>Winner Advocate</u>	
	<u>several others</u>	

PAID

JUN 30 2022

Ck# 23508

Rec't# _____

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

Check use(s) of water:

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

Type of Application:
(check one)

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

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

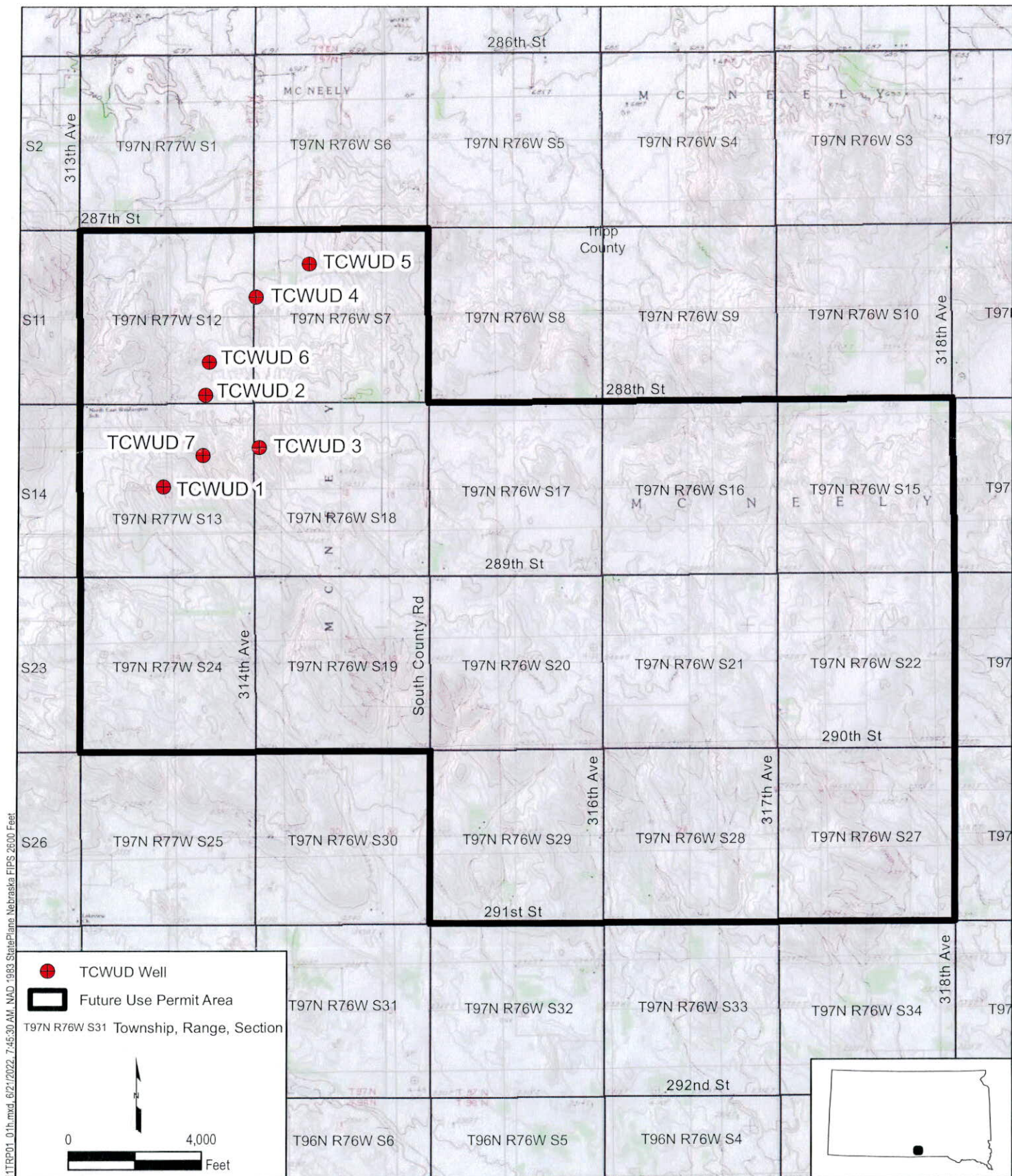
1. Name to Appear on Water Permit Tripp County Water User DistrictMailing Address 1052 West 1st Street Winner SD 57580-0946
(Address) (City) (State) (Zip Code)Phone (605) 842-2755 Mobile (605) 840-2174 Email lstiehl@goldenwest.net2. Amount of water claimed _____ *CFS or _____ **GPM and 4,440 ***AF or _____ 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 Ogallala Aquifer4. Location of point of diversion 15 sections in Tripp County (see attached map) County Tripp
(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 ☐ NoIf "Yes," where will water be used? Counties served: Tripp, Gregory, Lyman, Mellette, Todd
(example - NW1/4 section 12-T104N-R53W)5. County or counties where water will be used Tripp6. Annual period during which water is to be used January 1 through 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)

The purpose of this application is to reserve groundwater near our existing well field to provide raw water to support the continued growth of the Tripp County Water User District.

I, Lisa Stiehl 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.



C:\GIS\GIS\Tripp Co. WUD\maps\5511TRP01_01h.mxd 6/21/2022 7:45:30 AM NAD 1983 StatePlane Nebraska FPS 2600 Feet

Service Layer Credits: Copyright © 2013 National Geographic Society, i-cubed
Source:



Prepared By:
LRE Water
Innovative Water Resource Solutions
South Dakota Office
Sioux Falls, South Dakota
(605) 310-1721

TRIPP COUNTY WATER USERS DISTRICT
FUTURE USE PERMIT APPLICATION ASSISTANCE
WINNER, SOUTH DAKOTA

FUTURE USE PERMIT AREA

FILE: 5511TRP01_01h.MXD

DATE: 6/21/2022

FIGURE: 1

**Historical Well Field Production
Tripp County Water User District**

Year	Well Field Production	Well Field Production
	(gallons)	acre-feet
2011	528,000,000	1,620
2012	643,000,000	1,973
2013	576,508,000	1,769
2014	637,000,000	1,955
2015	627,000,000	1,924
2016	590,000,000	1,811
2017	661,000,000	2,029
2018	612,000,000	1,878
2019	643,736,000	1,976
2020	688,660,000	2,114
2021	728,491,000	2,236

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Agriculture and Natural Resources

Date June 30, 2022

RECEIVED OF Tripp County Water User District 1052 West 1st Street Winner SD 57580-0946

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>2849-2</u> to Appropriate Water for Future use	<u>\$425.00</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>\$425.00</u>

By Eric Gronlund
Chief Engineer
Em

RECEIVED

JUN 30 2022

OFFICE OF
WATER

June 23, 2022

Ron Duvall
DANR Water Rights Program
523 E. Capitol Avenue
Pierre, SD 57501-3182

RE: Future Use Permit Application
Tripp County Water User District
Winner, SD

Dear Mr. Duvall:

Enclosed is a future use permit application from Tripp County Water User District (TCWUD). The future use permit area includes Sections 7, 15, 16, 17, 18, 19, 20, 21, 22, 27, 28, and 29 in Township 97 North, Range 76 West, and Sections 12, 13, and 24 in Township 97 North, Range 77 West. These areas are near TCWUD's existing well field and treatment plant. A map is enclosed.

TCWUD is requesting a reservation of 4,440 acre-feet/year, which is slightly less than two times the total volume withdrawn from our well field in 2021. Enclosed is a listing of TCWUD's annual well field production from 2011 through 2021. Also enclosed is a check, in the amount of \$425, which is 10% of the volume-based filing fee.

If you have any questions regarding the future use permit application, please contact me by telephone at (605) 842-2755 or by email at lstiehl@goldenwest.net.

Thank you.

Lisa Stiehl
Manager

Enclosures:

Future Use Permit Application with accompanying map (Figure 1. Future Use Permit Area)
TCWUD Well Field Production History
Check in the amount of \$425 for filing fee



**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. 2849-2, Tripp County Water User District**

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. 2849-2, Tripp County Water User District, 1052 West First Street, Winner SD 57580.

The Chief Engineer is recommending APPROVAL of Application No. 2849-2 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) Tripp County Water User District has demonstrated a reasonable need for the water reserved, 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. 2849-2 reserves 4,440 acre-feet of water annually from the Ogallala aquifer.
2. That Future Use Permit No. 2849-2 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
August 2, 2022

NOTE: Approval of Future Use Permit No. 2849-2 does not preclude approval of subsequent appropriations by other persons within the future use area identified on No. 2849-2. Approval of any such appropriations will have a priority date junior to No. 2849-2. However, future siting of wells by the District to place water to beneficial use within the future use area will be subject to review during the application process to place to beneficial use regarding the likelihood of well interference between District wells and wells of other users within the future use area.

Report to the Chief Engineer
On Future Use Permit Application No. 2849-2
Tripp County Water Users District
c/o Lisa Stiehl, Manager

August 03, 2022

Future Use Permit Application No. 2849-2 proposes to appropriate and reserve 4,440 acre-feet of water annually from the Ogallala aquifer. The area to be reserved for future use is in Sections 7, 15, 16, 17, 18, 19, 20, 21, 22, 27, 28, and 29; all in T97N-R76W and Sections 12, 13, and 24; all in T97N-R77W, near the applicant's existing well field. The water is reserved for the purpose of providing future water supplies for the district which serves users in Tripp, Gregory, Lyman, Mellette, and Todd Counties. The site of interest is located in Tripp County approximately ten miles south of Winner, 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 where present (Filipovic, 2011). The SD DANR-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, and where these deposits are permeable, they are considered a portion of the Ogallala aquifer (Filipovic, 2004 and 2011; Water Rights, 2022b and 2022d).

No water well or test hole completion report was submitted with Water Permit Application No. 2849-2. Within approximately two miles of the applicant's proposed future use area, water well and test hole completion reports on file for wells completed into the Ogallala aquifer have saturated aquifer thicknesses ranging from approximately 90 to 200 feet and static water levels varying between 10 to 75 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

near the proposed future use area, and the lithologic logs on file for nearby observation wells, the Ogallala aquifer is expected to be unconfined near the proposed future use area (SDGS, 2022; Water Rights, 2022b 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 applicant's proposed future use area is located 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-10

Pursuant to SDCL 46-2A-10, "A reservation for a future use may be approved only if there is a reasonable probability that unappropriated water is available for appropriation, that the quantity of water reserved will be needed by the entity and that the proposed use will be a beneficial use and in the public interest." This report will address the availability of unappropriated water from the Ogallala aquifer. This report will also discuss potential for unlawful impairment of existing domestic water users and water rights within the Ogallala aquifer for the information of the Chief Engineer and Water Management Board. A full review of whether the proposed diversion can be developed without unlawful impairment of existing domestic water uses and water rights will need to occur upon siting of well(s) when the District applies to construct and place water to beneficial use.

SDCL 46-5-38

Tripp County Water Users District is an entity that may reserve water for future use pursuant to SDCL 46-5-38(4). An entity that may reserve water for future use must show future need for the water, and unappropriated water must be available for the proposed appropriation pursuant to SDCL 46-2A-10.

Tripp County Water Users District indicated that the future use reservation is needed to support continued growth of the District. Water use records supplied by the District show that the requested reservation is within two times the annual amount put to beneficial use in 2021. Administrative Rule of South Dakota (ARSD) 74:02:01:24.01 provides the Water Management Board the discretion to limit future use reservations to two times the annual amount being placed to beneficial use.

WATER AVAILABILITY:

Future Use Permit Application No. 2849-2 proposes to reserve and 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). Therefore, even though the applicant’s proposed use is for use in a water distribution system as defined by SDCL 46-1-6(17), 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 overlie 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 176 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 by the tribe from the Ogallala aquifer is unknown. Thus, this discharge analysis addresses only 172 state issued water rights/permits (including Water Right No. 1260-2) (142 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 150 water rights/permits (136 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 142 irrigation water rights/permits authorized to appropriate water from the Ogallala aquifer, with 136 (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 19,212 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 2021 that have reported over the period of record is approximately 23,726 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, 2836-2 and 2847-2 were approved in 2021 or 2022, are still within their construction periods, collectively authorize the irrigation of 735 acres, and have not submitted an irrigation

questionnaire at this time (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 735 acre-feet per year (Water Rights, 2022c). The collective estimated average annual withdrawal rate for the irrigation appropriations from 2012 to 2021 (23,726 acre-feet/year), plus the estimated average annual withdrawal rate for the irrigation water rights/permits approved in 2021 or 2022 (735 acre-feet/year), is approximately 24,461 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). Since the introduction of rural water systems, many domestic wells are likely no longer in use or are not being used as primary water sources. Due to their relatively low diversion rates, 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; however, that use on tribal trust lands, even though unknown, is still expected to be represented in the observation well records (Water Rights, 2022b).

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 36,736 acre-feet per year (non-irrigation (including future use): 7,875 acre-feet/year; irrigation (average from 2012 to 2020 plus Nos. 2822-2, 2833-2, 2834-2, 2836-2, and 2847-2): 24,461 acre-feet/year; Future Use Permit Application No. 2849-2 (if approved, assuming full volume): 4,400 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)

Report on Future Use Permit Application No. 2849-2

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
2021	131	27,976.4
Min	91	9,217.4
Max	135	33,144.5
Avg	111	19,212
Avg 2012-2021	129	23,726

OBSERVATION WELL DATA:

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 four closest observation wells to the proposed future use area are TR-78A (approximately one mile east), TR-78C (approximately two miles southwest), TR-78B (approximately two miles southeast), and TR-78H (approximately four miles east) (Water Rights, 2022b). The hydrographs for these observation wells are displayed in Figures 1 to 4 (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.

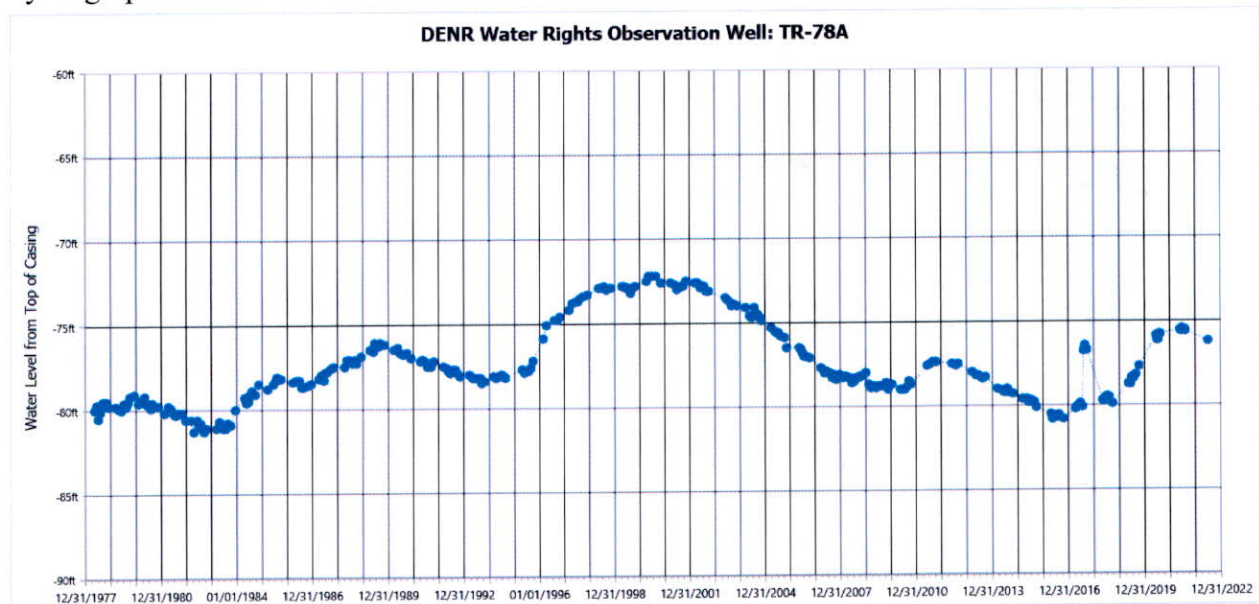


Figure 1. Hydrograph for observation well TR-78A (Water Rights, 2022b)

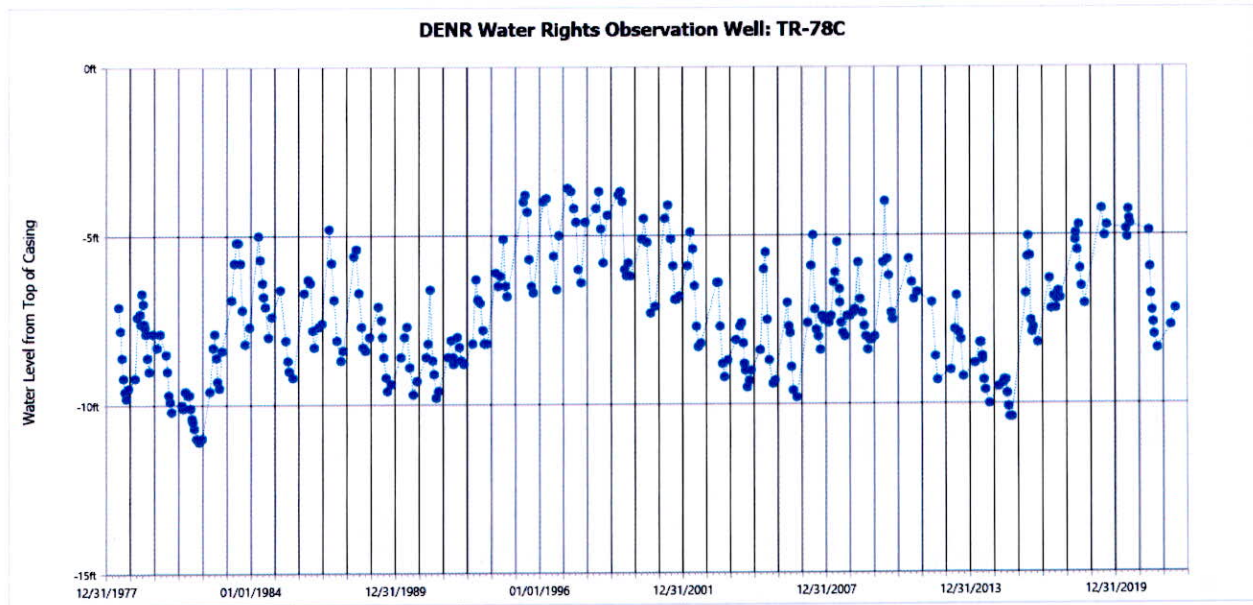


Figure 2. Hydrograph for observation well TR-78C (Water Rights, 2022b)

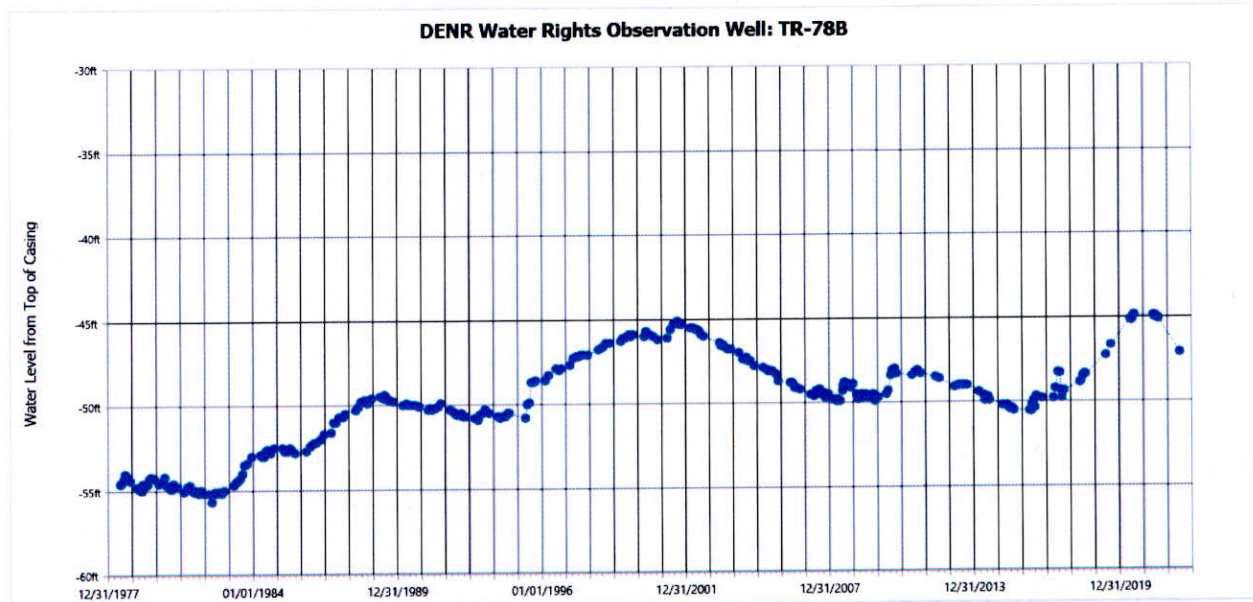


Figure 3. Hydrograph for observation well TR-78B (Water Rights, 2022b)

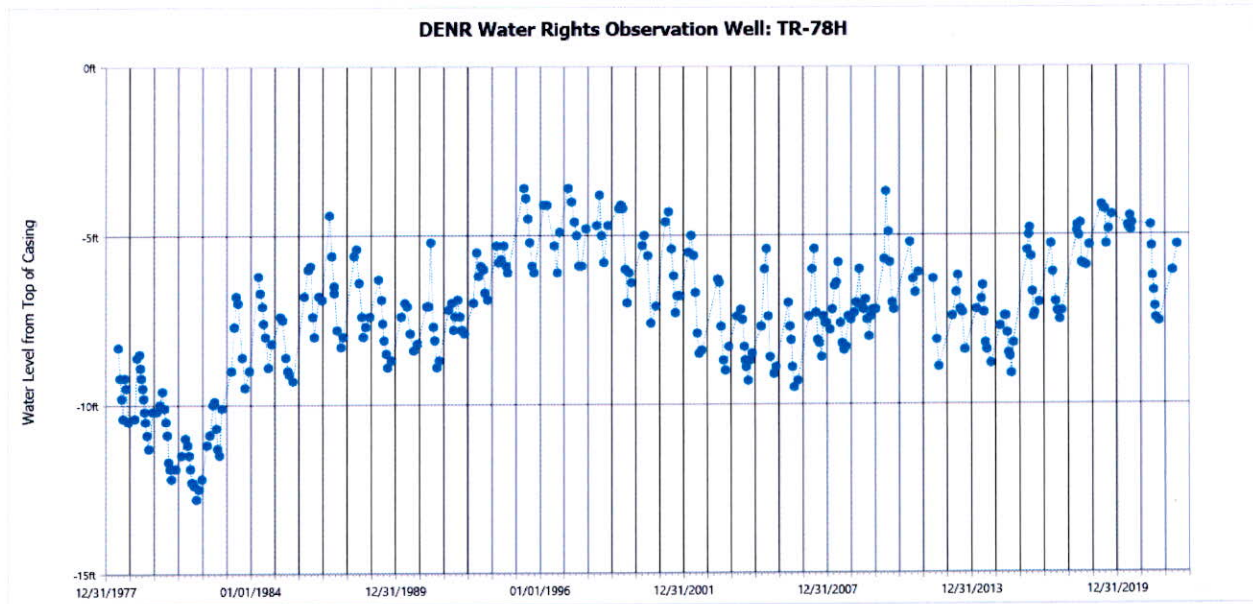


Figure 4. Hydrograph for observation well TR-78H (Water Rights, 2022b)

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 waters 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:

While SDCL 46-2A-10 does not require a review of the potential for unlawful impairment to existing domestic water uses and water rights and no well is being drilled nor water put to use under this application, this report will review existing water rights/permits and domestic users in the area of the future use area this application proposes to use for the information of the Chief Engineer and the Water Management Board.

Currently, there are 172 state issued 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 150 water rights/permits authorized to withdraw water, and 2 future use permits reserving water (Water Rights, 2022c). The closest water rights/permits to the proposed future use area (not held by the applicant) are Water Right No. 1307-2 (held by Randall R Novotny) and Water Right No. 1516-2 (held by Eugene Engel) (Water Rights, 2022c). The diversion points authorized by Water Right Nos. 1307-2 and 1516-2 are located approximately one-half mile from the proposed future use area (Water Rights, 2022c).

There are domestic wells on file with the DANR-Water Rights Program that are completed into the Ogallala aquifer, with the closest domestic well on file (not held by the applicant) approximately 0.25 miles southwest of the proposed future use area (Water Rights, 2022d). There could potentially be other domestic wells completed into the Ogallala aquifer near or within the proposed future use area that are not on file with the DANR-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 future use area 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 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 future use area, the Ogallala aquifer has a saturated aquifer thickness ranging from approximately 90 to 200 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.” In Tripp County, there have been no substantiated complaints submitted to the DANR-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 future use area, and the lack of well interference complaints from the Ogallala aquifer in the area, it is likely this future use permit can be developed without unlawfully impairing existing adequate wells authorized by water rights/permits and domestic users with adequate wells. Additionally, the wells currently authorized by the water rights held by the applicant and within the area of proposed future use, have been existing and are presumed to have been in use since roughly 2004 and prior to that, with no reported well interference complaints (Water Rights, 2022e).

CONCLUSIONS:

1. Future Use Permit Application No. 2849-2 proposes to appropriate and reserve 4,440 acre-feet of water annually from the Ogallala aquifer. The area to be reserved for future use is in Sections 7, 15, 16, 17, 18, 19, 20, 21, 22, 27, 28, and 29; all in T97N-R76W and Sections 12, 13, and 24; all in T97N-R77W. The water is reserved for the purpose of providing future water supplies for the district which serves users in Tripp, Gregory, Lyman, Mellette, and Todd Counties.
2. Tripp County Water Users District indicated that the future use reservation is needed to support continued growth of the District. Water use records supplied by the District document that the requested reservation is within two times the annual amount put to beneficial use in 2021. ARSD 74:02:01:24.01 provides the Water Management Board the discretion to limit future use reservations to two times the annual amount being placed to beneficial use.
3. 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.



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

Reviewed by:



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

References

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- SDGS, 2022. South Dakota Geological Survey Lithologic Logs Database. Accessed July 12, 2022. <http://cf.sddanr.net/lithdb/>.
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- Water Rights, 2022c. Water Right/Permit Files, SD DANR-Water Rights Program, Joe Foss Bldg, Pierre, SD.
- Water Rights, 2022d. Well Completion Reports, SD DANR-Water Rights Program, Joe Foss Bldg, Pierre, SD.
- Water Rights, 2022e. County Files, SD DANR-Water Rights Program, Joe Foss Bldg, Pierre, SD.

Schlaak, Karen

From: Schlaak, Karen
Sent: Wednesday, August 3, 2022 11:32 AM
To: Istiehl@goldenwest.net
Subject: Future Use Permit Application No. 2849-2
Attachments: 3824.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>



RECEIVED

AUG 29 2022

OFFICE OF
WATER

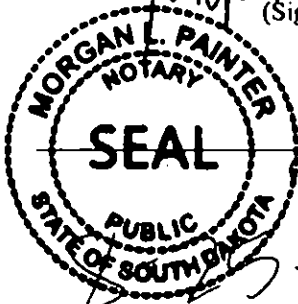
PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County of Gregory) SSI, Cheryl Spierl

certify that the attached printed Notice was taken

from the Tripp Co. Water
Districtprinted and published in Gregory Times AdvocateCounty of Gregory and
state of South Dakota. The notice was published

in the newspaper on the following date:

August 10, 2022Cost of Printing 45.18Morgan L. Painter
(Signature)

(Title)

8-22
(Date Signed)My Commission Expires
November 2, 2027NOTICE OF APPLICATION NO.
2849-2 TO RESERVE WATER
FOR FUTURE USE

Notice is given that Tripp County Water User District, Lisa Stiehl, Manager, 1052 West 1st St, Winner SD 57580, has filed an application for a future use water permit to appropriate 4,440 acre-feet of water annually from the Ogallala Aquifer. The area to be reserved for future use is in Sections 7, 15, 16, 17, 18, 19, 20, 21, 22, 27, 28, and 29, all in T97N-R76W, and Sections 12, 13, and 24, all in T97N-R77W. The water is reserved for the purpose of providing future water supplies for the district which serves users in Tripp, Gregory, Lyman, Mellette, and Todd counties. This site is located approximately 10 miles south of Winner, SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2849-2 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 appli-

cation, 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 another 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 August 22, 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 August 22, 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.

(32)

(Published once at the total approximate cost of \$45.18, and may be viewed free of charge at www.sdpublicnotices.com.)

Publisher's Affidavit of Publication

RECEIVED

AUG 22 2022

STATE OF SOUTH DAKOTA)

OFFICE OF
WATER

COUNTY OF LYMAN)

SS
)

Connie Penny, of said county and state being duly sworn on her oath says: The Lyman County Herald is a weekly newspaper of general circulation and published in Presho, Lyman County, and State of South Dakota; and has been such newspaper during the times hereinafter mentioned; That said newspaper is a legal weekly, that it has a bonafide circulation of more than 200 copies weekly, that it has been published within said County of Lyman more than fifty-two successive weeks next prior to publication of the notice hereinafter mentioned and maintained at the place of publication; That I, the undersigned am editor of said newspaper, in charge of the advertising department thereof, and have personal knowledge of all the facts stated in this affidavit; that the advertisement headed:

Notice of Application No. 2849-2
141 Acres

a printed copy of which is hereto attached and published in the said newspaper for 1 consecutive week(s).

The first publication of said notice in said newspaper aforesaid was on Wednesday, the 10 day of Aug, A.D., 2022 and that the succeeding publications were severally

Wednesday, the _____ day of _____ A.D., 2022
Wednesday, the _____ day of _____ A.D., 2022
Wednesday, the _____ day of _____ A.D., 2022
Wednesday, the _____ day of _____ A.D., 2022
Wednesday, the _____ day of _____ A.D., 2022
Wednesday, the _____ day of _____ A.D., 2022
Wednesday, the _____ day of _____ A.D., 2022

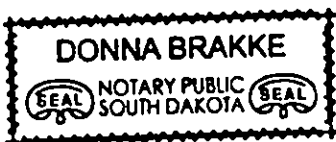
and the last publication on Wednesday, the 10 day of Aug, 2022, that the full sum of fees charged for publishing the same, to-wit, the sum of \$ 50.00 insures solely to the editor of The Lyman County Herald. That no agreement or understanding for any division thereof had been made with any other person, and that no part thereof has been agreed to be paid to any person whatsoever.

Connie Penny
Donna Brakke
Notary Public

Subscribed and sworn to before me this 18 day of Aug, 2022

My Commission expires DONNA BRAKKE, 20

NOTARY PUBLIC - SOUTH DAKOTA
My Commission Expires
December 31, 2025



NOTICE OF APPLICATION NO. 2849-2 to Reserve Water for Future Use

Notice is given that Tripp County Water User District, Lisa Stiehl, Manager, 1052 West 1st St, Winner SD 57580 has filed an application for a future use water permit to appropriate 4,440 acre-feet of water annually from the Ogallala Aquifer. The area to be reserved for future use is in Sections 7, 15, 16, 17, 18, 19, 20, 21, 22, 27, 28, and 29; all in T97N-R76W and Sections 12, 13, and 24; all in T97N-R77W. The water is reserved for the purpose of providing future water supplies for the district which serves users in Tripp, Gregory, Lyman, Mellette, and Todd Counties. This site is located approximately 10 miles south of Winner SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2849-2 with qualifications because 1) unappropriated water is available, 2) existing domestic water uses and water rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest as it pertains to matters within the regulatory authority of the Water Management Board. The Chief Engineer's recommendation with qualifications, the application, and staff report are available at <https://danr.sd.gov/public> or contact Ron Duval for this information, or

other information, at the Water Rights Program address provided below.

Any person interested in opposing this application or recommendation shall allege that the application, upon approval, will cause injury to the person that is unique from any injury suffered by the public in general. The injury must concern a matter either within the regulatory authority found in SDCL 46-2A-9 for approval or denial of the application, or other matter concerning the application within the regulatory authority of the board to act upon as defined by SDCL 46-2-9 and 46-2-11, or both. Any person meeting the petitioner requirements and wishing to be a party of record in a contested case hearing shall file a written petition to oppose the application with BOTH the applicant and Chief Engineer. A petition opposing the application shall be filed on a form provided by the Chief Engineer. The petition form is available online at <https://danr.sd.gov/public> or by contacting the Chief Engineer. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501" or call (605) 773-3352. The applicant's mailing address is given above. If contesting the Chief Engineer's recommendation, the applicant shall also file a petition. A petition filed by either an interested person or the applicant must be filed by August 22, 2022.

The petition shall include a

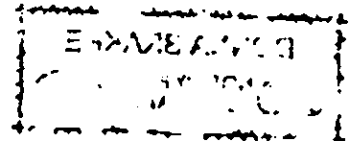
statement describing the unique injury upon approval of the application on the petitioner, the petitioner's reasons for opposing the application, and the name and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained.

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 August 22, 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 \$41.86 and may be viewed for free of charge at www.sdpublicnotices.com.

ATXACH 11-11-2021
2021, 11-11-2021



AFFIDAVIT OF PUBLICATION

State of South Dakota, county of Tripp-ss.

Dan Bechtold

of said county being first duly sworn, on oath says that he is the Editor of the

WINNER ADVOCATE

a weekly newspaper printed and published at Winner, said county of Tripp, and has full and personal knowledge of all the facts herein stated that said newspaper is a legal newspaper and has a bona fide circulation of at least two hundred copies weekly and has been published within said county for fifty-two successive weeks prior to the publication of the notice herein mentioned, and was printed wholly or in part in an office maintained at said place of publication; that the

96 lines @ 1 column X 90%

Notice of Application

Tripp County Water User District

a printed copy of which, taken from the paper in which the same was published, is attached to this sheet, and is made a part of this affidavit, was published in said newspaper at least once in each week for 1 week(s), on the day of each week on which said newspaper was regularly published to wit:

8-10-2022

That the full amount of the fees for the publication of the *annexed notice is \$36.29

Dan Bechtold

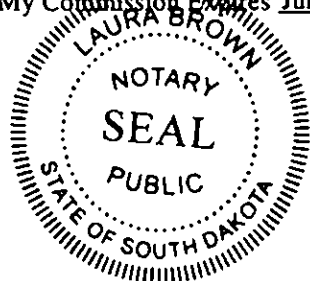
Subscribed and sworn to before me this 10th
day of August, 2022

Laura Brown

Notary Public

County of Tripp, South Dakota

My Commission Expires June 12, 2025



RECEIVED

AUG 15 2022

OFFICE OF
WATER

NOTICE OF APPLICATION NO. 2849-2

to Reserve Water for Future Use

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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 interested person or the applicant must be filed by August 22, 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 approximated cost of \$36.29 (32) and may be viewed for free online at www.sdpublicnotices.com

Affidavit of Publication

State of South Dakota
County of Todd

RECEIVED

AUG 15 2022

OFFICE OF
WATER

Taylor Risse, being, first duly sworn, on oath, says: That he/she is an employee of Scherer Publishing, LLC, Inc., and that the Todd County Tribune 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 Todd and State of South Dakota, for at least one year next 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:

August 10, 2022

That the full amount of the fee charged for the publication of the attached public notice, **\$51.83** 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: _____

Subscribed and sworn to before me this 10 day of August, 2022.

Notary Public

**My Commission Expires
December 9, 2027**



Legal Notices

Request for Bids

RFP: Fair Board
Bldg 22-073
Rosebud Sioux Tribe
Part A Porties Services

The Rosebud Sioux Tribe Fair Board will be accepting sealed bids for the Part A Porties Services for the 146th Annual Rosebud Sioux Tribe Fair & Wapiti to be held on August 24-28, 2022. Bids will be advertised beginning August 3, 2022 at 8:00 a.m. and ending August 11, 2022 at 5:00 p.m. Bids will be opened on August 12, 2022 at 2:00 p.m. at the RST TECRO office in Rosebud, SD.

All bids will include a budget for the following:

- A. Service is to begin on August 24, 2022 through August 28, 2022.
- B. Must possess a Rosebud Sioux Tribal Business License.
- C. Part A Porties at the Wapiti, Redox, Men's Fast Pitch Field, Woman's Slow Pitch Field and Little League Field (how many up plans to have).
- D. Hand Washing Station (how many you plan to have and where)
- E. Labor for cleaning the port a porties and fall up the toilet paper and how many times a day you plan to do the cleaning.

The Rosebud Sioux Tribe has the right to reject any or all bids. Sealed bids should be submitted in a sealed envelope clearly marked (Subject: Part A Porties RST Bldg 22-073) on the front of the envelope. Failure to mark the envelope will result in no bid and will be mailed back to the sender. Rosebud Sioux Tribe will not accept e-mail, fax and/or telephone bids.

For further information please contact Danielle Burnette, Fair Manager, Rosebud Sioux Tribe (605) 747-2381, Monday through Friday from 8:00 a.m. to 5 p.m. CST.

Sealed bids can be mailed to: Stephen Denoyer III, RST Treasurer, Rosebud Sioux Tribe, 11 Legion Avenue, P.O. Box 430, Rosebud, South Dakota 57570-0430.

Published twice at the total approximate cost of \$49.78 and can be viewed free of charge at www.sdpublish.com.
Published: August 3, 10, 2022

Notice Of Application No. 2849-2 to Reserve Water for Future Use

Notice is given that Tripp County Water User District, Lisa Strick, Manager, 1052 West 1st St, Winner SD 57580 has filed an application for a future use water permit to appropriate 4,440 acre-feet of water annually from the Ogallala Aquifer. The area to be reserved for future use is in Sections 7, 15, 16, 17, 18, 19, 20, 21, 22, 27, 28, and 29, all in T97N-R76W and Sections 12, 13, and 24, all in T97N-R77W. The water is reserved for the purpose of providing future water supplies for the district which serves users in Tripp, Gregory, Lyman, Mellette, and Todd Counties. This site is located approximately 10 miles south of Winner SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2849-2 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://danc.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 file 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://danc.sd.gov/public> or by contacting the Chief Engineer. The Chief Engineer's address is "Water Rights Program, Forks 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 August 22, 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://danc.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 comment maker a party of record or a participant in any hearing that may be held. Any comment must be filed by August 22, 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 \$51.83 and can be viewed free of charge at www.sdpublish.com.
Published: August 10, 2022

Notice of Hearing

Rosebud Sioux Tribal Court
Rosebud Indian Reservation
Rosebud, South Dakota

IN CIVIL COURT

IN THE MATTER OF THE
NAME CHANGE:
William Marshall, Sr.
AN ADULT

Docket# CIV 22-251
NOTICE OF HEARING
ON NAME CHANGE

TO: THE PUBLIC
Please take notice that on the 24th day of August, 2022, at 11:30 a.m. a hearing shall be held to change the name of:
William Marshall Sr. to William Joseph Hawk Sr.
at the Rosebud Sioux Tribal Court House, Rosebud, South Dakota. All persons seeking to enter objections should appear at such time. Dated this 26th day of July, 2022.

/s/ Ron High Rock, Jr.
Clerk of Courts
Rosebud Sioux Tribal Court

Published four times at the total approximate cost of \$75.00 and can be viewed free of charge at www.sdpublish.com.
Published: August 3, 10, 17, 24, 2022



John Thune

U.S. Senator for South Dakota

Democrats Double Down on Reckless Tax-and- Spending Spree

Record-high inflation is the number-one issue impacting Americans right now. From soaring gas prices to food prices – and just about everything in between – a nearly 41-year high inflation rate is forcing families to dig deeper into their pocketbooks as they try to make ends meet. I continue to hear from folks across the state who tell me about the sacrifices they are making, and it's abundantly clear that they need some relief.

Unfortunately, instead of pursuing policies that would grow our economy and drive down prices for families and small businesses, Democrats continue to pursue the policies that helped lead to record-high inflation in the first place. Democrats are pursuing their so-called "Inflation Reduction Act," a bill that would do nothing to reduce inflation but would double down on wasteful government spending and impose hundreds of billions of dollars in tax hikes on American businesses – tax hikes that would result in higher prices for consumers in nearly every income bracket.

Our economy has posted negative economic growth for the past two quarters – the textbook definition of a recession – and Democrats think now is an ideal time to raise taxes on American businesses. It doesn't take a rocket scientist to understand that raising taxes in the middle of a recession is a very, very bad idea. Bottom line, Democrats are failing Economics 101.

Increasing the tax burden on American businesses and consumers doesn't end there. The Democrats' bill would also impose a methane fee and a new tax hike on U.S. refiners importing crude oil and petroleum products, which are intended to make conventional energy prohibitively more expensive. Regardless of the wishful

thinking Democrats engage in, Americans still need conventional energy – now and into the near future. The Democrats' energy tax hikes are setting everyday Americans up to continue to suffer under high energy prices for the foreseeable future, as the cost for gas far exceeds the \$2.38 price per gallon when President Biden took office.

The Democrats' bill – that they bizarrely claim is going to lower inflation – happens to be chock-full of radical, Green New Deal-esque policies. There's billions of dollars for a grant program to plant trees and things like identifying gaps in tree canopy coverage. There are billions of dollars going to purchase heavy-duty electric vehicles like garbage trucks and even more money for the U.S. Postal Service to purchase zero-emission delivery vehicles – to name a

few. Among other egregious policies, there are tax credits for folks who purchase electric vehicles and even more write-offs for retrofitting windows, skylights, and doors to meet Democrats' required level of energy efficiency. The icing on the cake, of course, is the fact that the wealthiest Americans in our country are the ones who are purchasing electric vehicles, and Democrats want to give these high-income earners a tax break. This bill is wasteful and irresponsible and would create a lot of economic pain for hardworking Americans and job creators.

The Democrats' \$1.9 trillion spending spree in early 2021 helped plunge our economy into an inflation crisis that has left Americans struggling. If anything, Democrats should have learned that dumping unnecessary dollars into the economy is a recipe for disaster. Their new partisan tax-and-spending spree, unfortunately, tees up even more economic pain for families. As we have seen time and time again, economic common sense is taking a back seat to Democrats' big-spending, big-government ideology. I will continue to fight back against these radical, out-of-touch policies and focus on solutions that put more money into the pocketbooks of hardworking South Dakotans.

Send your news to tribnews@gwtc.net

HELP WANTED

The White River School District 47-1 Board of Education is seeking applications for the following positions:

Certified:

1st Grade Teacher
(\$44,500 base + years experience, \$2,000 signing bonus, \$600 paid towards health ins.)

Classified:

WR Elementary Paraprofessional
(\$13.50/hour, \$700 paid towards health ins.)
WR High School Paraprofessional
(\$13.50/hour, \$700 paid towards health ins.)
Norris Elementary Paraprofessional
(\$13.50/hour, \$700 paid towards health ins.)
Kitchen Cook
(\$13.50/hour, \$700 paid towards health ins.)

Positions are open until filled. Applicants must also be able to pass a criminal background check. Certified positions must have or be able to obtain South Dakota Certification. Classified Para positions must have 48 college credit hours or be able to pass the Praxis test. For an application and further information contact Louie Krogman, Superintendent at the White River School District's Central Office, P.O. Box 273, White River SD 57579 or call (605) 259-3135. White River School District is an equal employment opportunity employer.

Covid-19 Vaccine Incentives

Health Administration Office is accepting Application for:
Individuals who have received their covid vaccines as well as their 1st and 2nd boosters.

Fill out:

- Covid 19 Vaccination form** if you received:
 - a.) 1st 2 doses of Moderna or Pfizer.
 - b.) 1st dose of J&J/Janssen
- Covid 19 Booster Form** if you received:
 - a.) 3rd dose of Moderna or Pfizer
 - b.) 2nd dose of J&J/Janssen
- Covid 19 Booster Form** if you received:
 - a.) 4th dose of Moderna or Pfizer
 - b.) 3rd dose of J&J/Janssen, Moderna, Pfizer, only after receiving previous doses of J&J/Janssen. ***You must be 50 years of older or immunocompromised.*** Immunocompromised individuals will need to provide a medical statement from a doctor, stating they are immunocompromised.

You will need to attach copies of your Vaccine card and your Tribal ID or Tribal Abstract (Certificate of Indian Blood). Applications are processed within 4-6 weeks of receiving your application.

Checks will be mailed out to all ON & OFF reservations applicants.

Health Administration respectfully asks the public to be patient and refrain from calling the RST Finance Department. Any questions or concerns the public can call 605-747-5100.

Vaccinations, 1st booster, 2nd booster forms are available online or on our Facebook page: [rosebudsiouxtribe-nsn.gov](https://www.facebook.com/rosebudsiouxtribe-nsn.gov)

RST Health Administration on Facebook
The Public can mail, fax, or drop off applications to the Health Administration Office in Rosebud, SD.

Applications are being processed in a timely matter.

Checks are received within 4-6 weeks after we receive them.

**Any individuals who haven't received their check within that time frame, can call Health Administration with their concerns.

-RST Health Administration

When an Individual has tested positive for Covid-19:

Step 1: If possible, ISOLATE yourself from your peers. If you cannot, wear a mask around others.
Step 2: Inform the **Covid Task Force Contact Tracers** at 605-319-0212 as soon as possible.
Step 3: Contact Tracers will interview you and help you determine your ISOLATION dates. They will also inform your close contacts if they need to QUARANTINE (not positive) or need to get tested.
Step 4: After receiving your dates, Contact Tracers will deliver supplies within 24 hours to all individuals on ISOLATION and QUARANTINE.
(Isolation is for anyone who has tested positive, and Quarantine is for non-positives who are close contacts of a positive case.)
Step 5: On your last day of ISOLATION (positives) will receive a visit from Contact Tracers to determine if you meet the criteria to release from isolation.
*Isolation is 5 days from the start of your signs and symptoms of your test date.
*Quarantine is 5 days and will start on the last day you were around positive cases.
Individuals who are fully vaccinated with the last 6 months or have received a booster (1st and/or 2nd), do not have to QUARANTINE but will need to wear your mask for the next 5 days.
Anyone showing signs or symptoms of covid, we advise those individuals to test.
Drive thru testing is located at the Mobile Unit next to the DPP program building.
At home test kits are available at the Mobile Unit, Health Administration, or Rosebud IHS.
Please feel free to call the Covid Task Force anytime with questions and concerns.



Get your student ready
for what
comes next

A wellness exam is better than your average physical. It considers all your medical history, even social and mental factors, and challenges that could go unnoticed.

Schedule your teen's wellness exam this summer!

Mission Community Health Center
161 S Main • 605.856.2295

HORIZON
Health Care

Affidavit of Publication

State of South Dakota

County of Mellette

RECEIVED

AUG 15 2022

OFFICE OF
WATER

Taylor Risse, being, first duly sworn, on oath, says: That he/she is an employee of Scherer Publishing, LLC, Inc., and that the Mellette County News 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 Mellette and State of South Dakota, for at least one year next 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:

August 10, 2022

That the full amount of the fee charged for the publication of the attached public notice, **\$50.37** 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: _____

Subscribed and sworn to before me this 10 day of August, 2022.

Notary Public

My Commission Expires
December 9, 2027



PUBLIC NOTICES

Public Notice Advertising • Protects Your Right to Know

Proceedings

Meeting of the City of Wood Board was called to order 7:07 p.m. on Monday, August 1, 2022 at the Community Hall in Wood, SD. Board members present were David Larson, Mattie Ryno, and Alyson Wright; also present was Finance Officer Jenny Galbraith. Visitors present were Ty Diamond.

All motions considered unanimous unless otherwise stated. Motion by Wright to approve the agenda, seconded by Larson.

Motion by Wright to approve July 2022 proceedings, seconded by Larson.

Motion by Ryno, seconded by Wright to pay the following claims for August 2022:
Jenny Galbraith, 295.52, payroll; Lisa Vesely, 332.46, payroll; Golden West, 42.46, hail phone service; RST Solid Waste, 364.69, monthly sanitation; Tripp Co. Water, 15.00, hail water; Cherry Todd Electric, 564.29, community hall & streetlights; D&E, 92.06, fuel; Quill, 175.55, office supplies; Amazon, 49.74, office supplies/vacuum belts; Quicken, 59.88, annual renewal.

Motion by Wright, seconded by Ryno to approve the finance report for month end July 2022.

Old Business: Board reviewed discussed further action on delinquent trash accounts. Motion by Ryno, seconded by Wright to send all trash accounts to small claims that are delinquent for 12 months. Will proceed with 4 accounts being sent to small claims. Board reviewed surplus equipment. Motion by Ryno, seconded by Larson to surplus the Ford Tractor Model 3430 and the John Deere E Series E0146 detachable loader with bucket & pallet forks. Board appraised the equipment and valued the Ford Tractor Model 3430 at \$1300.00 and the John Deere E Series E0146 detachable loader with bucket & pallet forks at \$750.00. Equipment will be advertised for sealed bids for 2 weeks and board will hold a special meeting at 6:00 p.m. August 19, 2022 for the purpose of bid letting.

New Business: Board discussed the upcoming Wood Holiday Fair to be held on November 20, 2022; will attend to verify with Wood Park Ladies that they will be doing the concessions for this event. Board discussed fund raising ideas for the community hall; the hall is in need of some repairs and does not currently have the funds to complete the projects. Finance Officer Galbraith suggested setting up pickleball league and volleyball league a couple nights a week and holding tournaments. Will check into some interest in these activities and discuss with Committee for the Community Hall. Finance Officer Galbraith requested that a new computer be purchased for the City of Wood, cost will be \$604.01 for Dell Inspiron 3510 laptop; Motion by Ryno, seconded by Wright to approve purchase of computer.

Next regular meeting is scheduled for Tuesday, September 6, 2022 at 7:00 p.m. at the Wood Community Hall.

Chairman Larson declared the meeting adjourned at 8:57 p.m. Published once at the total approximate cost of \$34.32.

and can be viewed free of charge at www.sdpublicnotices.com.
Published: August 10, 2022

SDSU Extension info sessions at Dakotafest

Brookings, S.D. - Producers are invited to visit the SDSU Extension booth at Dakotafest August 16-18 in Mitchell, South Dakota. SDSU Extension experts will be ready to answer questions and share information on a variety of topics important to South Dakota producers.

"SDSU Extension is excited to be a part of this year's Dakotafest," said Karla Trautman, SDSU Extension Director. "Our Extension professionals will be on site to provide educational information, technical assistance, and answer questions."

This year, informational sessions will be held each day at 12:30 p.m. followed by an SDSU ice cream social at 1:30 p.m.

Session Schedule:

Tuesday, August 16: We Care: Sustainability of the Pork Industry - Ryan Samuel, assistant professor and SDSU Extension Swine Specialist
Wednesday, August 17: It's All About Trees - John Ball, professor, SDSU Extension Forestry Specialist and South Dakota Department of Agriculture Forest Health Specialist

Thursday, August 18: Soil Health and Corn Nitrogen and Phosphorus - Jason Clark, assistant professor and SDSU Extension Soil Fertility Specialist

Other information and displays available at the SDSU Extension booth will include:

Silage and Forage - Kiernan Brandt, SDSU

Extension Cow/Calf Field Specialist.

Every Acre Counts - Matt Diersen, professor and SDSU Extension Risk and Business Management Specialist, and Anthony Bly, SDSU Extension Soils Field Specialist

Precision Agriculture Equipment and Tools - Ali Mirzakhani Nafchi, assistant professor and SDSU Extension Precision Agriculture Specialist

Cover Crop Investment - Tong Wang, SDSU Extension Advanced Production Specialist

Drainage in Dry Years - John McMaine, assistant professor and SDSU Extension Water Management Engineer

Estate Planning and Succession - Heather Gessner, SDSU Extension Livestock Business Management Field Specialist

Beef Cow Reproduction/Water and Nitrate Testing - Olivia Amundson, SDSU Extension Cow/Calf Field Specialist

For more information or questions, contact Alexander Smart, professor and SDSU Extension Agriculture and Natural Resources Senior Program Leader, at alexander.smart@sdstate.edu or 605-688-4940.

Notice of Application No. 2849-2 to Reserve Water for Future Use

Notice is given that Tripp County Water User District, Lisa Strick, Manager, 1052 West 1st St, Winner SD 57580 has filed an application for a future use water permit to appropriate 4,440 acre-feet of water annually from the Ogallala Aquifer. The area to be reserved for future use is in Sections 7, 15, 16, 17, 18, 19, 20, 21, 22, 27, 28, and 29, all in T97N R76W and Sections 12, 13, and 24; all in T97N R77W. The water is reserved for the purpose of providing future water supplies for the district which serves users in Tripp, Gregory, Lyman, Mellette, and Todd Counties. This site is located approximately 10 miles south of Winner SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2849-2 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 supporting report are available at <https://dair.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://dair.sd.gov/public> or by contacting the Chief Engineer. The Chief Engineer's address is "Water Rights Program, Ross 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 August 22, 2022.

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Published: August 10, 2022

Keeping dogs safe from heat stress

By Jody Heemstra

Dogs aren't proficient at sweating like humans are, and that makes them much more prone to overheating.

Tony Hawkins, Valley Vet Supply Technical Services Veterinarian, says overweight, older, or out-of-shape dogs, or dogs with underlying health conditions, may be at greater risk than healthier dogs. He says dogs suffering from heat stress may demonstrate excessive panting, difficulty breathing, vomiting, and diarrhea. At that point, it's critical that the animal gets veterinary care.

Hawkins says plan those farm activities dogs can tag along for, such as checking fences, during the cooler times of the day. He says dogs aren't good at stopping themselves when they get hot and just run themselves until they get overheated.

Also, give a haircut to dogs with long hair coats.

Hawkins says tips to keep dogs safe include never leaving them in parked cars that are turned off. In just 25 minutes, a car on a 73-degree day can reach 100 degrees inside.

Notice of Director Vacancies

West River/Lyman-Jones Rural Water Systems, Inc.

The West River/Lyman-Jones Rural Water Systems, Inc. in accordance with By-laws, Article VIII, Section I, hereby gives notice to its membership that the following seats upon the Board of Directors will be up for election at its Annual Meeting on October 19, 2022:

- Zone 3A - Rural Jones County; current Director David Fuoss
- Zone 5 - Municipal at Large - Municipalities in Haakon and Jackson Counties; Stanley County north of the Bad River; Pennington County east of the Cheyenne River; current Director Marion Matt

Eligibility for Nomination:

1. Must be a member of the corporation
2. Must have contracted for a service tap in area to represent
3. Must file a petition no later than 4:00 p.m. (CT) October 7, 2022, at the rural water system office in Murdo, S.D.
4. Petition must be signed by no less than 15 members
5. No proxy voting allowed
6. Nominations will not be allowed from the floor at the annual meeting unless no petitions have been filed for a directorship

Nominating petitions can be acquired by contacting:

West River/Lyman-Jones Rural Water Systems, Inc.
PO Box 407
307 Main St.
Murdo, SD 57559
Phone: 605-669-2931

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AUG 15 2022

Proof Of Publication

OFFICE OF
WATER

Huron Plainsman
49 3rd Street SE
Huron, SD 57350
605-353-7402

Legal Notice Number: 1544

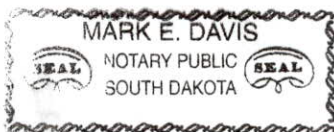
I, Cadee Schelske, being duly sworn on oath say that the Plainsman is a daily paper published at Huron, Beadle County South Dakota, and that said newspaper has a bona fide circulation of at least 250 copies daily; that said newspaper has been published within said county for fifty-two consecutive weeks immediately prior to this date, that said newspaper is printed in whole or in part, in an office maintained at said place of publication; that I am a Legal Advertising Coordinator of said newspaper and know that facts herein state. The annexed notice headed: Tripp County Water User District- Water No. 2849-2 was published for one day, in said newspaper and not in any supplement of the said newspaper; the publication was on - 08/10/2022. That the full amount of the fee charged for the publishing \$ 44.85 insures to the benefit of the publisher of said newspaper; 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 whom so ever.

Cadee Schelske

Subscribed and sworn to me before this date 8/11/22.

[Signature]
Notary Public, South Dakota

My Term Expires 12/27/2024



**NOTICE OF
APPLICATION**

**NO. 2849-2 to Reserve
Water for Future Use**

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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 August 22, 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 August 22, 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.

No. 1544 (adv.)
Published once at the total approximate cost of \$44.85 and may be viewed free of charge at www.sdpublicnotices.com.



**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.**

August 3, 2022

Tripp Country Water Users District
Lisa Stiehl, Manager
1052 West 1st St
Winner SD 57580

Dear Ms. Stiehl:

Water Permit Application No. 2849-2 to reserve water for future use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice has been sent to the following papers:

Tripp County	Winner Advocate	605 842-1481
Gregory County	Times-Advocate	605 835-8089
Lyman County	Lyman County Herald	605 895-6397
Mellette County	Mellette County News	605 259-3642
Todd County	Todd County Tribune	605 856-4469
Nearest daily paper	Plainsman	605 353-7414

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 August 10 or 11, 2022. The Tripp County Water User District is responsible for payment.

NOTICE OF APPLICATION NO. 2849-2 to Reserve Water for Future Use

Notice is given that Tripp County Water User District, Lisa Stiehl, Manager, 1052 West 1st St, Winner SD 57580 has filed an application for a future use water permit to appropriate 4,440 acre-feet of water annually from the Ogallala Aquifer. The area to be reserved for future use is in Sections 7, 15, 16, 17, 18, 19, 20, 21, 22, 27, 28, and 29; all in T97N-R76W and Sections 12, 13, and 24; all in T97N-R77W. The water is reserved for the purpose of providing future water supplies for the district which serves users in Tripp, Gregory, Lyman, Mellette, and Todd Counties. This site is located approximately 10 miles south of Winner SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2849-2 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 August 22, 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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If the applicant does not contest the recommendation of the Chief Engineer and no petition to oppose the application is received, the Chief Engineer shall act on the application pursuant to the recommendation with no hearing held before the Water Management Board. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled, and the Water Management Board will consider this application. Notice of the hearing will be given to the applicant and any person filing a petition.

Published once at the total approximate cost of_

Schlaak, Karen

From: Schlaak, Karen
Sent: Wednesday, August 3, 2022 11:19 AM
To: Winner Advocate
Subject: 2849-2, Tripp Co Water User District
Attachments: 2849-3public.short_final.docx; FORM8.FRM.doc

Attached is a notice to be published on August 11, 2022.

Tripp County Water User District, Lisa Stiehl, Manager, 1052 West 1st St, Winner SD 57580 (605 842-2755) 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, August 3, 2022 11:21 AM
To: Gregory Times-Advocate (gregorynews@gregorynews.com)
Subject: 2849-2, Tripp Co Water User District
Attachments: 2849-3public.short_final.docx; FORM8.FRM.doc

Attached is a notice to be published on August 10, 2022.

Tripp County Water User District, Lisa Stiehl, Manager, 1052 West 1st St, Winner SD 57580 (605 842-2755) 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, August 3, 2022 11:21 AM
To: Lyman Co. Herald (news@lcherald.com)
Subject: 2849-2, Tripp Co Water User District
Attachments: 2849-3public.short_final.docx; FORM8.FRM.doc

Attached is a notice to be published on August 10, 2022.

Tripp County Water User District, Lisa Stiehl, Manager, 1052 West 1st St, Winner SD 57580 (605 842-2755) 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>



Schlaak, Karen

From: Schlaak, Karen
Sent: Wednesday, August 3, 2022 11:23 AM
To: mcnews@gwtc.net
Subject: 2849-2, Tripp Co Water User District
Attachments: 2849-3public.short_final.docx; FORM8.FRM.doc

Attached is a notice to be published on August 10, 2022:

Tripp County Water User District, Lisa Stiehl, Manager, 1052 West 1st St, Winner SD 57580 (605 842-2755) 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, August 3, 2022 11:26 AM
To: tribnews@gwtc.net
Subject: 2849-2, Tripp Co Water User District
Attachments: 2849-3public.short_final.docx; FORM8.FRM.doc

Attached is a notice to be published on August 10, 2022 in the Todd County Tribune.

Tripp County Water User District, Lisa Stiehl, Manager, 1052 West 1st St, Winner SD 57580 (605 842-2755) 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, August 3, 2022 11:26 AM
To: 'rcrandall@plainsman.com'
Subject: 2849-2, Tripp Co Water User District
Attachments: 2849-3public.short_final.docx; FORM8.FRM.doc

Attached is a notice to be published on August 10, 2022.

Tripp County Water User District, Lisa Stiehl, Manager, 1052 West 1st St, Winner SD 57580 (605 842-2755) has been notified to contact you to authorize publication and arrange for payment.

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SEP 26 2022

Tripp County Water User District
c/o Lisa Stiehl, Manager
1052 West 1st St
Winner SD 57580-0946

Dear Ms. Stiehl:

Enclosed is Future Use Permit No. 2849-2, as approved by the Chief Engineer on behalf of 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.

Sincerely,

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

enclosure



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

**Affidavit of Public Notice
on DANR Website**

Pursuant to SDCL § 46-2A-4, public notice of the following application was posted on the DANR web site at <https://danr.sd.gov/public>. The posted public notice is the same notice as published in the pertinent newspaper(s) and a copy of the public notice is maintained in the application file. If the application is contested, the posting is moved to the DANR contested case website at <https://danr.sd.gov/public/ContestedCase.aspx> until final action is taken on the application pursuant to SDCL § 46-2A-4.

Application No.: 2849-2

Name of Applicant: Tripp County Water User District, Lisa Stiehl, Manager

Date of Posting: 8/8/2022

Date of Removal: 9/26/2022



Ron Duvall, Water Rights Permitting Administrator



Date

Subscribed and sworn to before me, a notary public, this 26th day of Sept, 20 22.



Notary Public - South Dakota
My commission expires: 4/1/2025

