

WATER PERMIT NO. 2854-2

Name of Applicant: **Kadoka Area School District**

Address: **PO Box 99, Kadoka SD 57543** Phone: **605 685-3122**

Amount of Water Claimed: **0.044 cfs** Total Acres: **NA**

Source of Water Supply: **groundwater (1 existing well)**

Water to be used for: **institutional** County: **Jackson**

Type of Waste Disposal System:

Location: **2 1/2 miles north of Long Valley**

PRIORITY Date Received: **8-29-22**

Application/License Fee: **\$300**

Corrected Application Received: **9-19-22**

Period of Annual Use: **August 1 – May 31**

Remarks: **For use at Long Valley Elementary School**

Diversion Point: **SW 1/4 NW 1/4 Sec 21-T41N-R35W**

Land to be Irrigated: **NA**

Depth of Well: **250 feet deep**

Well Driller:

Remarks:

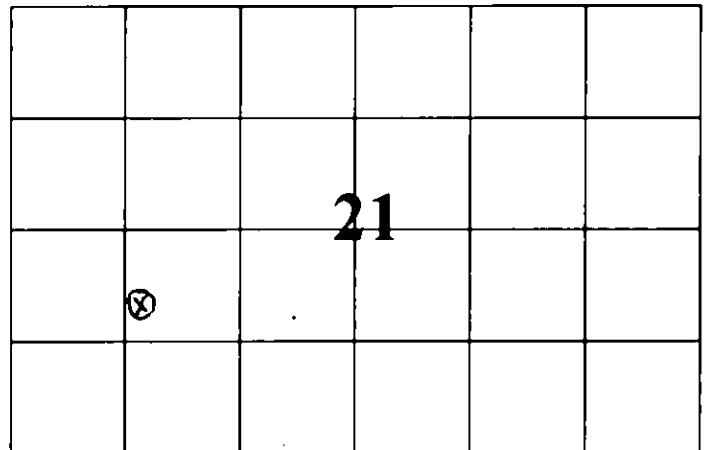
Type of Map: **aerial**

Prepared by:

Reviewed and the Number Assigned on: **9-19-22**

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____



**SOUTH DAKOTA
WATER PERMIT NO. 2854-2**

Date of first receipt of application August 29, 2022.

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

Date of receipt of corrected application September 19, 2022.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 2854-2 to Kadoka Area School District, PO Box 99, Kadoka SD 57543 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 2854-2 appropriates an amount not exceeding 1.0 acre-feet of water annually at a maximum pump rate of 0.044 cubic feet of water per second from one existing well completed into the Arikaree Aquifer (250 feet deep) located in the SW 1/4 NW 1/4 Section 21-T41N-R35W for institutional use at the Long Valley Elementary School. This site is located approximately 2 1/2 miles north of Long Valley SD.
2. The water appropriated shall be used for the purpose of institutional use and may not exceed the amount of water needed for beneficial use.
3. The water is to be used during the following described annual period: August 1 – May 31.
4. The date of approval of Permit No. 2854-2 is November 14, 2022.
5. The date from which applicant may claim right is August 29, 2022.
6. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

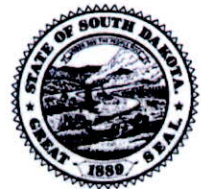
1. The well approved under Water Permit No. 2854-2 is located near domestic wells and other wells which may obtain water from the same aquifer. Water withdrawals shall be controlled so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The permit holder shall report to the Chief Engineer annually the amount of water withdrawn from the Arikaree Aquifer.
3. Water Permit No. 2854-2 appropriates up to 1.0 acre-feet of water annually.

WATER MANAGEMENT BOARD

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

DEC 08 2022

date



FORM 2: Application for uses other than irrigation
(type or print)

RECEIVED

AUG 29 2022

OFFICE OF
WATER

Mail to: SD DANR, Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. <u>2854-2</u> Hydrologic Unit <u>10140202</u>
	Basin <u>White River</u>
	Newspaper <u>Pioneer Review</u>
	<u>Rapid City Journal</u> (office use only)

Application for Permit to Appropriate Water in South Dakota

Check use(s) of water:

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

Type of Application:
(check one)

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

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

- Name to Appear on Water Permit Kadoka Area School District
Mailing Address PO Box 99 Kadoka SD 57543
(Address) (City) (State) (Zip Code)
Phone 605-837-2172 Mobile 605-685-3122 Email Polly.brown@kl2.sd.us
- Amount of water claimed 0.044 *CFS or 20* *GPM and 38 *AF or 300K gallon
Flow rate and volume are both required. (*Cubic Feet per Second) (**Gallons per Minute) (**Acre Feet - storage capacity of dam/dugout for annual use)
- Source of water supply Well - ground water SW1/4 NW1/4
- Location of point of diversion Well Sec 21-T4N-R35W County Jackson
(example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)
If not a public water supply (e.g. municipal), will water be used outside of the area described above? ☐ Yes ☒ No
If "Yes," where will water be used? _____
(example - NW1/4 section 12-T104N-R53W)
- County or counties where water will be used Jackson
- Annual period during which water is to be used August 1st through May 31st
- 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)

For use at Long Valley Elementary School

I, Polly A Brown Water operator, 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.

2021-08

Attachments: Attach Form 2A if diversion is from a well or dugout, or if storage of water is proposed. Also, attach map and any other technical information. (see instructions)

Supplemental Information

(type or print)

1. Well Information (check one or both as applicable)

☐ Drilling new well(s) ☒ Using existing well(s)

a) If new wells, how many _____ Have test holes been drilled? ☐ Yes ☐ No Drilled by _____
(if yes, please provide copies of logs)

b) If existing wells, how many 1 Provide copy of log(s), if available. Drilled by _____

For either existing or proposed wells:

c) Well Depth (required) 250' Depth to Top of Water Bearing Material _____ Depth to Water from Surface _____

d) Distance to nearest domestic well on applicant's property _____ Property owned by others 1/2 mile

2. Wastewater Disposal System Information

a) Type of System (i.e. septic tank, drain field) Septic tank - 3000 gal

b) System Capacity (gallons) 3000 Year Constructed 1968

c) Connected to the City of _____ Sanitary System

3. Dugout Information

a) Surface Dimensions _____ Depth _____

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

4. Water Storage Dams

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

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

b) Freeboard _____

c) Crest Width _____

Crest Length _____

d) Height _____

e) Primary Outlet Capacity _____

If pipe, diameter _____

f) Secondary Spillway Capacity _____

Spillway Width _____

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

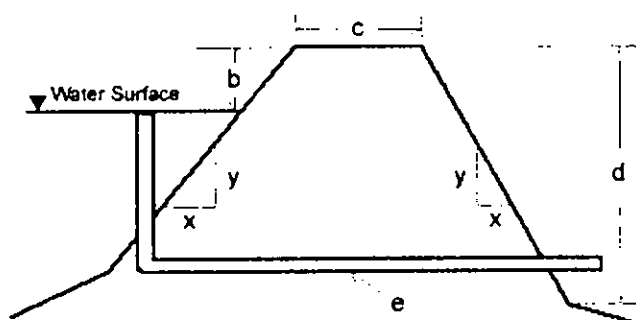
Upstream _____

Downstream _____

h) Area of Impoundment _____

i) Storage _____ Acre Feet

j) Drainage Area Above Dam _____ Acres



41N 35W
Section: 17

41N 35W
Section: 16

41N 35W
Section: 15

41N 35W
Section: 20

41N 35W
Section: 21

41N 35W
Section: 22

41N 35W
Section: 29

41N 35W
Section: 28

41N 35W
Section: 27



SW 1/4 NW 1/4 section
Section 21 - T41N - R35W

41N 35W
Section: 17

41N 35W
Section: 16

41N 35W
Section: 15

41N 35W
Section: 20

41N 35W
Section: 21

41N 35W
Section: 22

41N 35W
Section: 29

41N 35W
Section: 28

41N 35W
Section: 27

RECEIPT

WATER RIGHTS PROGRAM South Dakota Department of Agriculture and Natural Resources

Date September 19, 2022

RECEIVED OF Kadoka Area School District No. 35-2 PO Box 99 Kadoka SD 57543

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

Fee for Application for Permit No. <u>2854-2</u> to Appropriate Water, to construct and to put water to beneficial use	\$ <u>100.00</u>
Fee for Application for Permit No. _____ to Appropriate Water for Future use	\$ _____
Fee to retain Future Use Permit No. _____ after period of seven years.	\$ _____
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>2854-2</u>	\$ <u>200.00</u>
Fee for Filing Transfer Form _____	\$ _____
Fee for _____	\$ _____
Fee for Issuing New Well Driller's License No. _____	\$ _____
Fee for Renewal of Well Driller's License No. _____	\$ _____
Fee for Issuing Well Pump Installer's License No. _____	\$ _____
Fee for Renewal of Well Pump Installer's License No. _____	\$ _____
(Any Other Work Provided by Law)	TOTAL
	\$ <u>300.00</u>

By Eric Monlund
Chief Engineer
EM

Schlaak, Karen

From: Schlaak, Karen
Sent: Tuesday, September 6, 2022 11:29 AM
To: Brown, Polly
Subject: RE: Water Right Permit for Long Valley Elementary School
Attachments: 3943.pdf

Polly,

Yes, we received the application. I was out of the office for a few days. The following is required to complete the application.

- The application requests an appropriation of 20 gallons per minute (gpm). In addition to the pump rate, the application needs to include the annual volume in either gallons/year or acre feet/year. It is unrealistic that 20 gpm will be pumped continuously during the entire year. 20 gpm equates to 10,512,000 gallons per year or 32 acre-feet. Our estimation of the school's use would be less than 1 acre-foot which is 325,851 gallons per year. Do you agree? If not, please list the number of gallons used per year.
- Please mark with an "X" the location of the well on the attached map. I am assuming the well is located in the SW ¼ NW ¼ Section 21-T41N-R53W.
- The application/license fee will be \$300.00.

Once the above information is received and the application is complete, a report and recommendation will be prepared. The school will be responsible for the cost of the publication notices in an official county paper and the nearest daily paper. You will receive notification and instructions at that time.

Let me know if you have questions.
Karen

From: Brown, Polly <Polly.Brown@k12.sd.us>
Sent: Wednesday, August 31, 2022 11:57 AM
To: Schlaak, Karen <Karen.Schlaak@state.sd.us>
Subject: RE: Water Right Permit for Long Valley Elementary School

Hi Karen,
I was wondering if you received my email I sent to you the other day? I had sent a copy of the well permit attached to the email and was wondering if I needed to add anything to it?

From: Schlaak, Karen <Karen.Schlaak@state.sd.us>
Sent: Thursday, August 25, 2022 3:31 PM
To: Brown, Polly <Polly.Brown@k12.sd.us>
Subject: Water Right Permit for Long Valley Elementary School

Ms. Brown,

A staff member from the Drinking Water Program of DANR recently did a sanitary survey of the water system at Long Valley Elementary School which has prompted the question as to whether the school had a water right permit for use of water from the well.

A review of our water rights data base indicates the Long Valley Elementary School does not hold a water right.

Application forms can be found on our web site: <https://danr.sd.gov/OfficeOfWater/WaterRights/default.aspx>

If you have questions or need help completing the application, please contact Ron Duvall or me.

Karen Schlaar

DANR - Water Rights Program

(605) 773-3352

Website: <https://danr.sd.gov>





**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 2854-2, Kadoka Area School District**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Agriculture and Natural Resources concerning Water Permit Application No. 2854-2, Kadoka Area School District, c/o Polly Brown, Water Operator, PO Box 99, Kadoka SD 57543.

The Chief Engineer is recommending APPROVAL of Application No. 2854-2 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing domestic water uses and water rights, 3) the proposed use is a beneficial use and 4) it is in the public interest as it pertains to matters of public interest within the regulatory authority of the Water Management Board with the following qualifications:

1. The well approved under Water Permit No. 2854-2 is located near domestic wells and other wells which may obtain water from the same aquifer. Water withdrawals shall be controlled so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The Permit holder shall report to the Chief Engineer annually the amount of water withdrawn from the Arikaree aquifer.
3. Water Permit No. 2854-2 appropriates up to 1.0 acre-feet of water annually.

See report on application for additional information.

Eric Gronlund, Chief Engineer
October 24, 2022

Report to the Chief Engineer
On Water Permit Application No. 2854-2

Kadoka Area School District

C/O Polly A Brown

October 17th, 2022

Water Permit Application No. 2854-2 proposes to appropriate an amount not exceeding 1.0 acre-foot of water annually at a maximum instantaneous diversion rate of 0.044 cubic feet per second (cfs) from one existing well completed into the Arikaree aquifer (250 feet deep) located in the SW ¼ NW ¼ of Section 21-T41N-R35W for institutional use at the Long Valley Elementary School. The site of interest is located approximately 2 ½ miles north of Long Valley, SD.

AQUIFER: Arikaree (ARKR)

HYDROGEOLOGY:

The Arikaree Formation consists of light pinkish tan silicified claystone, silty clays, siltstone, and poorly consolidated sandstone, and a thin-bedded limestone that separates the bottom most layer of silty and sandy beds (Long and Putnam, 2010). The depth of the top of the Arikaree Formation ranges from 0 to 620 feet below land surface (Long and Putnam, 2010). The areal extent of the outcrop of the Arikaree Formation in South Dakota is approximately 1,514,080 acres (Martin et al, 2004). The Arikaree Formation underlies much of the Ogallala Formation in South Dakota which results in a much larger total areal extent than just outcrop area.

The Arikaree aquifer is composed of the saturated sandstones and siltstones within the Arikaree Formation (Long and Putnam, 2010). The Arikaree aquifer is a local aquifer within the High Plains aquifer system, that extends over eight states from South Dakota to Texas (Long and Putnam, 2010). The Arikaree aquifer varies between confined and unconfined depending on the static water level and if there is impermeable material (Carter, 1998). The direction of groundwater flow also varies based on the location of the aquifer (Carter, 1998).

No water well or test hole completion report was submitted with Water Permit Application No. 2854-2. Within approximately four miles of the diversion point, water well and test hole completion reports on file for wells completed into the Arikaree aquifer have saturated aquifer thicknesses 150 feet, with the depth to the top of aquifer materials 70 feet below the ground surface, and static water levels 40 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 diversion point, the Arikaree aquifer is expected to be confined near the diversion point (SDGS, 2022: Water Rights, 2022b and 2022d).

South Dakota Codified Law (SDCL) 46-2A-9

Pursuant to SDCL 46-2A-9, "A permit to appropriate water may be issued only if there is a reasonable probability that unappropriated water is available for the applicant's proposed use, the proposed diversion can be developed without unlawful impairment of existing domestic water

uses and water rights, the proposed use is a beneficial use, and the permit is in the public interest as it pertains to matters of public interest within the regulatory authority of the Water Management Board as defined by §§ 46-2-9 and 46-2-11.” This report will address the availability of unappropriated water and the potential for unlawful impairment of existing domestic uses and water rights within the Arikaree aquifer.

WATER AVAILABILITY:

Water Permit Application No. 2854-2 proposes to appropriate water from the Arikaree aquifer. The probability of unappropriated water being available from the aquifer can be evaluated by considering SDCL 46-6-3.1, which requires “No application to appropriate groundwater may be approved if, according to the best information reasonably available, it is probable that the quantity of water withdrawn annually from a groundwater source will exceed the quantity of the average estimated annual recharge of water to the groundwater source. An application may be approved, however, for withdrawals of groundwater from any groundwater formation older than or stratigraphically lower than the greenhorn formation in excess of the average estimated annual recharge for use by water distribution systems.” The Arikaree aquifer is not older than or stratigraphically lower than the Greenhorn Formation (Fahrenbach et al., 2010), and the applicant’s proposed use is not for use in a water distribution system as defined by SDCL 46-1-6(17). Therefore, the average annual recharge and average annual withdrawal rates to and from the Arikaree aquifer must be considered.

HYDROLOGIC BUDGET:

Recharge

Recharge to the Arikaree aquifer is mostly received by infiltration of precipitation and streamflow loss on the outcrop of the Arikaree Formation (Carter, 1998; Long and Putnam, 2010). Most of the recharge occurs in the spring from snowmelt and storm events (Carter, 1998). Using steady-state simulation, Long and Putnam (2010) estimated a recharge rate of 1.45 inches per year for the Arikaree aquifer, in Todd and Mellette Counties; also, a uniform distribution was assumed for the recharge area due to insufficient data. A low rate of recharge for the Arikaree aquifer is consistent with the low permeability of the Arikaree aquifer (Long and Putnam, 2010). Assuming the Arikaree Formation is under similar conditions in the rest of South Dakota, and the recharge rate found in Todd and Mellette counties can be applied to the areal extent of the Arikaree Formation outcrop (approximately 1,514,080 acres), the estimated average annual recharge rate to the Arikaree aquifer in South Dakota is 183,000 acre-feet per year (Martin et al. 2004).

Discharge

Discharge from the Arikaree aquifer in South Dakota primarily occurs through well withdrawals, evapotranspiration in areas where the aquifer is at or near land surface, and by discharge from springs to alluvial aquifers and streams when the potentiometric surface of the aquifer is higher than the potentiometric surface in the alluvial aquifers or stage in the streams (Carter, 1998; Long and Putnam, 2010).

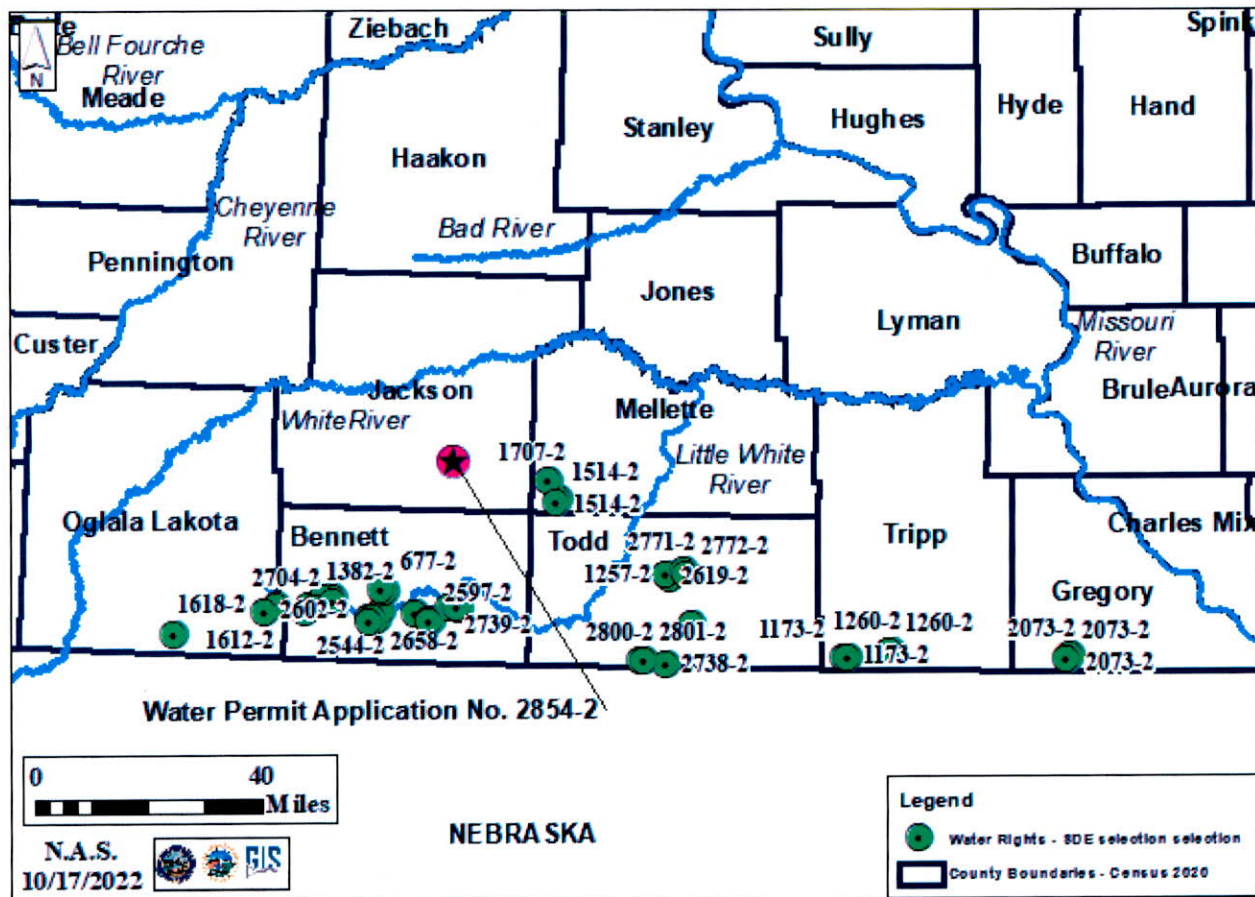


Figure 1. The Arikaree aquifer water rights/permits (Water Rights, 2022c), and the location of proposed diversion point for Water Permit Application No. 2854-2.

Currently, there are 39 water rights/permits authorized to appropriate water from the Arikaree aquifer (Water Rights, 2022c). Although, Water Right No. 1260-2 while currently listed as withdrawing water from the Arikaree aquifer, it has been determined to not be completed into the Arikaree aquifer making the total water rights/permits 38 (Mathiowetz, 2022). There are no future use permits reserving water from the Arikaree aquifer (Water Rights, 2022c).

Table 1 summarizes the 9 non-irrigation water rights/permits authorized to appropriate water from the Arikaree aquifer with the estimated annual use for each water right/permit as determined by their limiting diversion rate or annual volume. The amount of water that can be withdrawn was estimated by assuming the non-irrigation water rights/permits limited by an annual volume will withdraw their entire appropriated volume every year. It is estimated that the non-irrigation water rights/permits limited only by a diversion rate will pump at their maximum permitted diversion rate for 60 percent of the time. This is a standard method used by the DANR-Water Rights Program for estimating average annual withdrawals by non-irrigation appropriations. Overall, the average annual withdrawal rate for the Arikaree aquifer non-irrigation water rights/permits is approximately 1,036 acre-feet/year (Table 1) (Water Rights, 2022c).

Table 1. Estimated annual use for non-irrigation water rights/permits authorized to divert water from the Arikaree aquifer (Water Rights, 2022c)

Permit No	Name	Status	Uses	Authorized Diversion Rate (cfs)	Authorized Annual Volume (acre-feet)	Estimated Use (acre-feet/year)
2602-2	WEST PLAINS GRAIN	LC	COM	0.022	N/A	9.56
2597-2	US FISH/WILDLIFE SERVICE	LC	DOM	0.038	N/A	16.51
2478-2	MARTIN J VANDERPLOEG	LC	FWP	0.100	N/A	43.44
1618-2	SHANNON COUNTY SCHOOL DIS	PE	INS	0.070	N/A	30.41
2837-2	OGLA LA LAKOTA COUNTY SCHOOL DIST 65-1	PE	INS, WDS	0.670	50	50
1612-2	TOWN OF BATESLAND	LC	MUN	0.150	N/A	65.16
1844-2	CITY OF MARTIN	LC	MUN	0.750	N/A	325.80
677-2	CITY OF MARTIN	LC	MUN	0.470	N/A	204.17
2517-2	CITY OF MARTIN	LC	MUN	0.670	N/A	291.05
COM Commercial, LC Licensed Water Right, PE Water Permit, DOM Domestic, FWP Fish & Wildlife Propagation, INS Institutional, WDS Water Distribution System, MUN Municipal					TOTAL:	1,036

Water Right No. 2517-2, held by the City of Martin, is required to report their respective annual withdrawal rate from the Arikaree aquifer (Water Rights, 2022c). The withdrawals from the Arikaree aquifer by Water Rights No. 2517-2 are listed in Table 2. It should be noted that the withdrawal rate listed on Table 2 includes withdrawals authorized by Water Right No. 677-2 (Mathiowetz, 2022). The reported withdrawals shown on Table 2 are for comparison purposes only to show that the actual annual use is commonly lower than the estimated use shown on Table 1 (Water Rights, 2022c and 2022f). The estimated use from Table 1 for both Water Right Nos. 677-2 and 2517-2 will be used for hydraulic budget calculation.

Currently, there are 29 irrigation water rights/permits appropriating water from the Arikaree aquifer, excluding Water Right No. 1260-2 (Water Rights, 2022c). Irrigation water rights/permits have been typically required to report their annual usage on an irrigation questionnaire since 1979. However, Water Right No. 1257-2, authorized for the irrigation of 134 acres does not have an annual reporting requirement (Water Right, 2022c), which results in only 28 irrigation water rights/permits listed as in Table 3. Also, Water Right No. 2839-2 for the irrigation of 280 acres was approved in 2022 and has not been accounted for in table 3. Generally, irrigators in South Dakota apply less than one foot of water per acre per year. However, to account for 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 rights/permits. Therefore, the estimated average annual withdrawal rate for Water Permit Nos. 1257-2 and 2839-2 is approximately 414 acre-feet per year. The average annual withdrawal rate for the Arikaree aquifer irrigation water rights/permits that have reported over the period of record (1982 to 2021) is approximately 1,904 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 is approximately 1,865 acre-feet per year (Table 3) (Water Rights, 2022a). Collectively, the average annual withdrawal rate for the irrigation appropriations from 2012 to 2021 (1,904 acre-feet/year), plus the estimated average annual withdrawal rate for the irrigation water rights/permits approved in 2022 (414 acre-feet/year), is approximately 2,323 acre-feet per year.

Table 2. Non-irrigation water right required to report their respective annual use from the Arikaree aquifer (Water Rights, 2022c and 2022f)

	City of Martin
Permit No.	2517-2
Year	acre-feet
2004	0
2005	254
2006	277
2007	271
2008	240
2009	241
2010	247
2011	237
2012	292
2013	237
2014	217
2015	193
2016	245
2017	218
2018	213
2019	199
2020	263.6
2021	266.7
Min	0
Max	292
Average	228.4

Table 3. Reported historic irrigation use from the Arikaree aquifer (Water Rights, 2022a)

Year	No. of Permits Reporting	Reported Pumpage (acre-feet)
1982	24	1,551.11
1983	24	1,577.53
1984	28	2,276.00
1985	24	2,973.00
1986	22	1,425.50
1987	22	1,492.00
1988	22	2,174.95
1989	22	4,331.50
1990	22	2,577.00
1991	22	1,606.70
1992	21	1,082.10
1993	21	699.40
1994	20	1,290.09
1995	20	1,670.79
1996	20	2,510.20
1997	20	1,159.00
1998	18	1,324.62
1999	19	1,452.70
2000	19	2,067.06
2001	19	1,554.80
2002	19	2,563.15
2003	20	1,848.67
2004	20	1,711.86
2005	21	1,911.79
2006	21	2,413.81
2007	21	2,903.38
2008	22	2,133.28
2009	22	1,944.51
2010	20	2,069.07
2011	22	1,196.88
2012	22	4,053.02
2013	25	2,344.95
2014	26	1,336.57
2015	27	1,631.27
2016	27	1,906.85
2017	27	2,138.32
2018	26	1,337.37
2019	26	512.06
2020	28	1,018.79
2021	28	2,370.91
Max	28	4,331.50
Min	18	512.06
Avg (1982-2021)	22	1,904
Avg (2012-2021)	26	1,865

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

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

Hydrologic Budget Summary

The average annual recharge rate to the Arikaree aquifer is approximately 183,000 acre-feet/year (Martin et al. 2004; Long and Putnam, 2010). The average withdrawal rate from the Arikaree aquifer totals to approximately 3,359 acre-feet/year; (non-irrigation: 1,036 acre-feet/year; irrigation (2012 to 2021 plus the water rights/permits approved between 2021 and 2022): 2,323 acre-feet/year). If approved, Water Permit Application No. 2854-2 will withdraw up to 1.0 acre-feet per year. Additionally, an unknown amount of water may be withdrawn from the Arikaree aquifer by tribe members on tribal trust land. The average withdrawal rate based on the water permits/rights currently authorized to appropriate water from the Arikaree aquifer is less than 2% of the average recharge to the aquifer. Based on the hydrologic budget, there is a reasonable probability unappropriated water is available from the Arikaree aquifer for the proposed appropriation.

OBSERVATION WELL DATA:

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

The DNR-Water Rights Program monitors 37 observation wells, shown on Figure 2, completed into the Arikaree aquifer (Water Rights, 2022b). These observation wells provide data on how the aquifer reacts to regional climatic conditions and local pumping. The two closest observation wells to the proposed diversion point are JA-80B (approximately 6.7 miles southeast) and JA-80A (approximately 8.4 miles west) (Water Rights, 2022b). The hydrographs for these

observation wells are displayed in Figures 3 and 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 hydrographs. The data shown on Figures 3 and 4 share a similar trend with most of the other observation wells in the Arikaree aquifer.

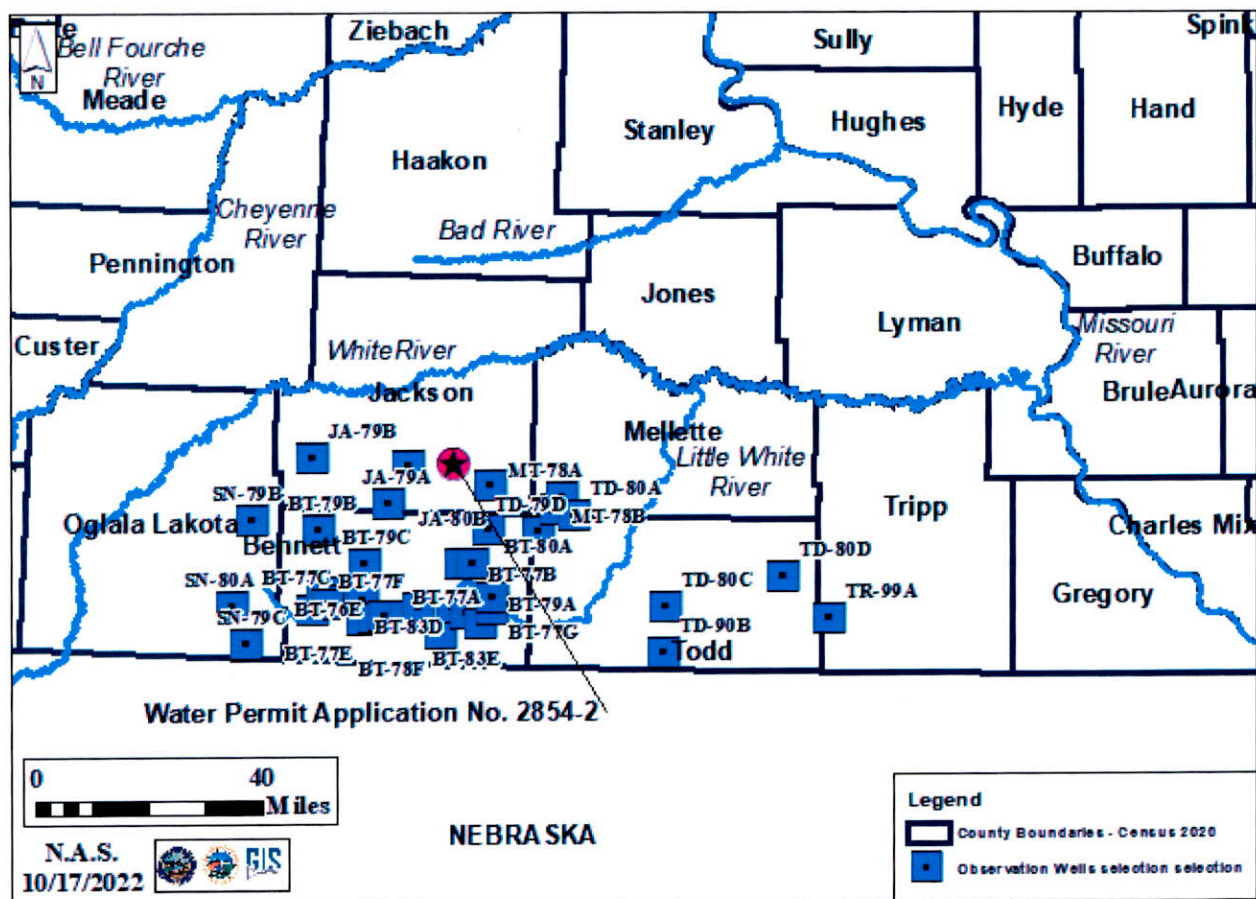


Figure 2. The Arikaree aquifer observation wells (Water Rights, 2022b), and the location of proposed diversion point for Water Permit Application No. 2854-2.

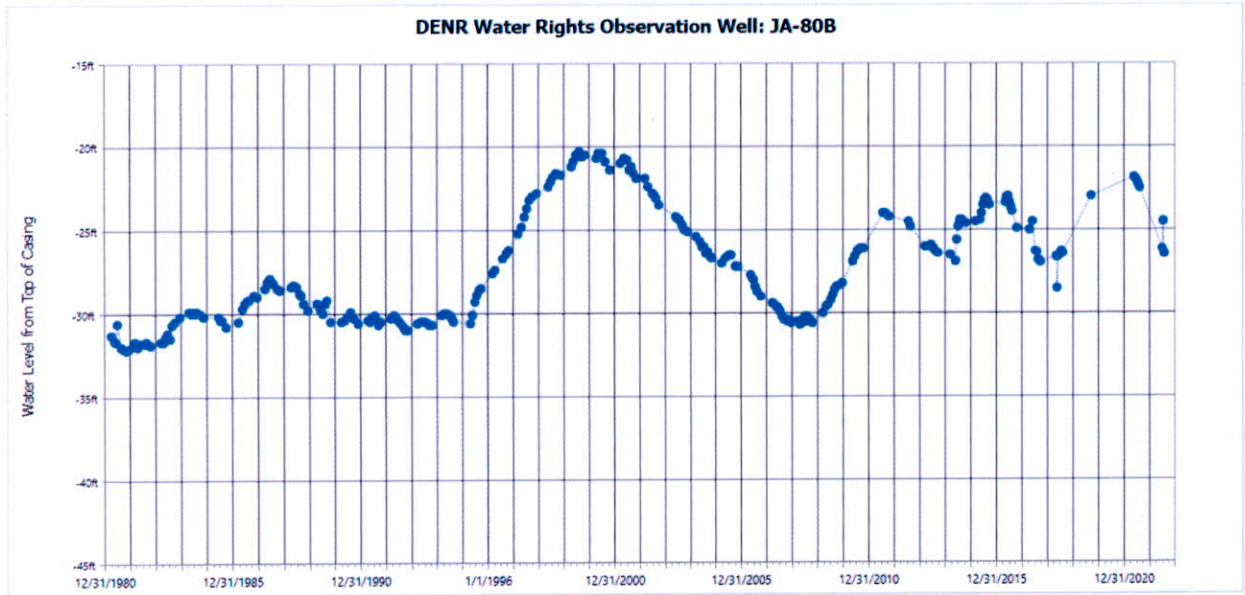


Figure 3. Hydrograph for observation well JA-80B (Water Rights, 2022b)

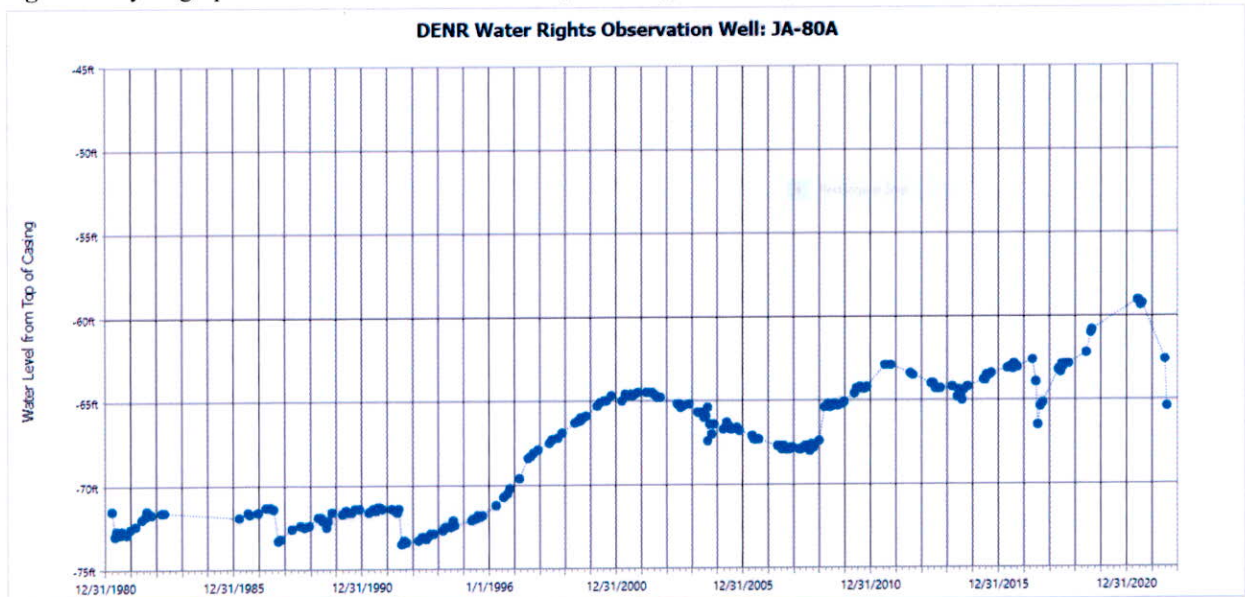


Figure 4. Hydrograph for observation well JA-80A (Water Rights, 2022b)

The hydrographs for the observation wells display stable water levels over their respective periods of record. The hydrographs for the Arikaree aquifer indicate that the aquifer responds well to climatic conditions because water levels are rising during wetter periods (early spring snowmelt and precipitation) and declining to a stable water level during drier periods. Additionally, the water levels in the observation wells display that the amount of recharge to and natural discharge from the aquifer greatly exceeds pumping with the aquifer returning to pre-pumping conditions between irrigation seasons. Aquifer recovery indicates that climatic conditions and therefore, the effects of recharge to and natural discharges from the aquifer govern the long-term fluctuations of waters levels in the aquifer rather than the impacts of pumping from the Arikaree aquifer. By recognizing that both recharge to and natural discharge

from an aquifer can be captured for pumping, the observation well hydrographs demonstrate unappropriated water is available for the proposed appropriation.

POTENTIAL FOR UNLAWFUL IMPAIRMENT OF EXISTING WATER RIGHTS:

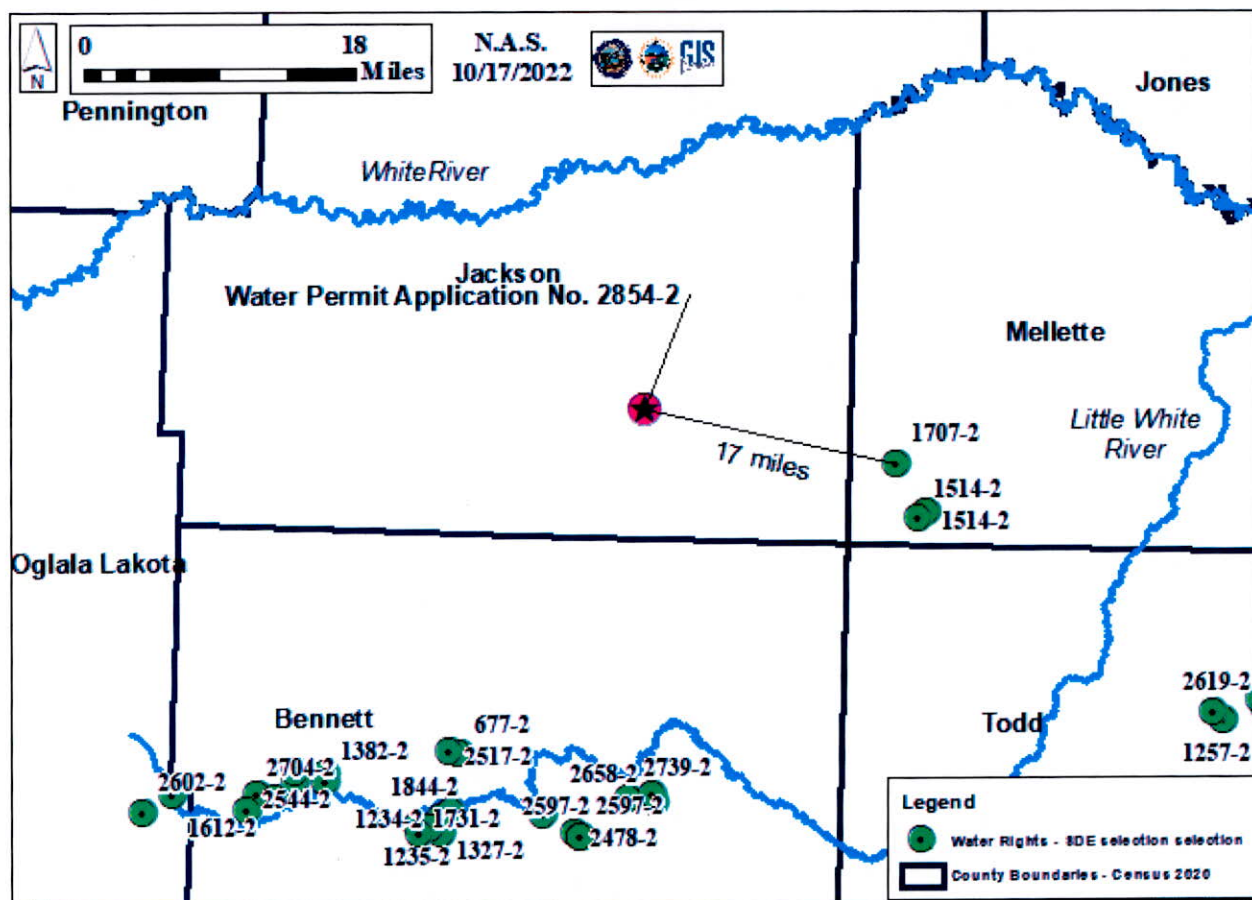


Figure 5. The Arikaree aquifer water rights/permits and observation wells (Water Rights, 2022b and 2022c), and the location of proposed diversion point for Water Permit Application No. 2854-2.

Currently, there are 38 water rights/permits authorized to appropriate water from the Arikaree aquifer, excluding Water Right No. 1260-2 as it does not complete into the Arikaree aquifer (Water Rights, 2022c and Mathiowetz, 2022). The closest water right/permit to proposed diversion point is Water Permit No. 1707-2, shown on Figure 5, which is held by Daniel Taft. The diversion point for Water Permit No. 1707-2 is located approximately 17.0 miles southeast of the proposed diversion point for this application (Water Rights, 2022c).

There are domestic wells on file with the DANR-Water Rights Program that are completed into the Arikaree aquifer, with the closest domestic well on file (not held by the applicant) approximately 1.3 miles southeast of the proposed diversion point (Water Rights, 2022d). There could potentially be other domestic wells completed into the Arikaree aquifer near the proposed diversion point that are not on file with the DANR-Water Rights Program.

The Arikaree aquifer varies between confined to unconfined conditions but the well location was found to be under confined conditions. In an unconfined aquifer, drawdown created by pumping

does not extend far from the pumped well. However in a confined aquifer, drawdown from a pumping well can extend some distance from the well. The Water Management Board recognizes that putting water to beneficial use requires a certain amount of drawdown to occur. The Board has developed rules to allow water to be placed to maximum beneficial use without the necessity of maintaining artesian head pressure for domestic use. The Water Management Board defined an “adversely impacted domestic well” in ARSD 74:02:04:20(7) as:

“A well in which the pump intake was set at least 20 feet below the top of the aquifer at the time of construction or, if the aquifer is less than 20 feet thick, is as near to the bottom of the aquifer as is practical and the water level of the aquifer has declined to a level that the pump will no longer deliver sufficient water for the well owner’s needs.”

The Water Management Board considered the delivery of water by artesian head pressure versus maximum beneficial use during the issuance of Water Right No. 2313-2 for Coca-Cola Bottling Company of the Black Hills. The Board adopted the Findings of Facts and Conclusions of Law that noted the reservation of artesian head pressure for delivery of water would be inconsistent with SDCL 46-1-4 which states, “general welfare requires that the water resources of the state be put to beneficial use to the fullest extent of which they are capable...” (Water Rights, 1995). Furthermore, the Water Management Board found if increased cost or decreased production as a result of impacts on artesian head pressure by legitimate users is to be considered as an unlawful impairment, it would also conflict with SDCL 46-1-4 (Water Rights, 1995). With that in mind, some existing well owners may need to install or lower pumps depending on the specific characteristics of the Arikaree aquifer at their location. However, when considering the statutes (SDCL 46-1-4 and 46-6-6.1), rules (ARSD 74:02:04:20(6) and (7)), the saturated aquifer thickness near the diversion point, the lack of well interference complaints for adequate wells completed into the Arikaree aquifer in Jackson County, and the well has been in use for some time without reported issue, any drawdown created from the diversion is not expected to cause an unlawful impairment on existing water right/permit holders or domestic users with adequate wells (Water Rights, 2022e). Therefore, there is a reasonable probability that any interference from the proposed appropriation will not impose unlawful impairments on existing users with adequate wells.

CONCLUSIONS:

1. Water Permit Application No. 2854-2 proposes to appropriate an amount not exceeding 1.0 acre-feet of water annually at a maximum instantaneous diversion rate of 0.044 cfs from one existing well completed into the Arikaree aquifer (250 feet deep) for institutional use at the Long Valley Elementary School. The site of interest is located approximately two miles north of Long Valley, SD.
2. Based on observation well data and the hydrologic budget, there is a reasonable probability that unappropriated water is available from the Arikaree aquifer to supply the proposed appropriation.

3. There is a reasonable probability that the proposed diversion by Water Permit Application No. 2854-2 will not unlawfully impair adequate wells for existing water rights/permits and domestic uses.



Tyler Jensen
Natural Resources Engineer I
SD DANR - Water Rights Program



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

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- Fahrenbach, M.D., Steece, F.V., Sawyer, J.F., McCormick, K.A., McGillivray, G.L., Schulz, L.D., and Redden, J.A. 2010. South Dakota Stratigraphic Correlation Chart. Oil and Gas Investigations 3. SD DANR-Geological Survey, Vermillion, SD.
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Water Rights, 2022c. Water Right/Permit Files, SD DNR-Water Rights Program, Joe Foss Bldg, Pierre, SD.

Water Rights, 2022d. Well Completion Reports, SD DNR-Water Rights Program, Joe Foss Bldg, Pierre, SD.

Water Rights, 2022e. County Files, SD DNR-Water Rights Program, Joe Foss Bldg, Pierre, SD.

NOV 16 2022

**OFFICE OF
WATER**

PUBLISHER'S AFFIDAVIT OF PUBLICATION

[illegible]

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

Water Rights Program-Kadoka School District

Notice of Application-No. 2854-2

A printed copy of which is hereto attached, was printed and published in said newspaper for 1 successive issues the first publication being on the 3rd day of November, 2022, and the last publication on the 3rd day of November, 2022, that \$44.51 of the said newspaper; that no arrangement or understanding for a division thereof has been made with any person and that no part thereof has been agreed to be paid to any other person whomsoever.

X. Helma Thorne

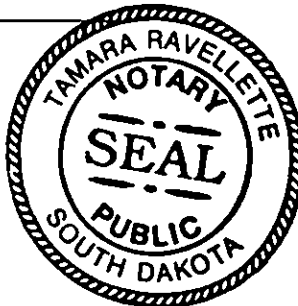
Subscribed and sworn to me before this 30th day of November 2022.

Tamar, Ravell

Notary Public, State of South Dakota

My Commission Expires

January 24, 2026



NOTICE OF APPLICATION

**APPLICATION NO. 2854-2 TO
APPROPRIATE WATER**

Notice is given that Kadoka Area School District, c/o Polly A Brown, Water Operator, PO Box 99, Kadoka SD 57543 has filed an application for a water permit to appropriate an amount not exceeding 1.0 acre-feet of water annually at a maximum pump rate of 0.044 cubic feet of water per second from one existing well completed into the Arikaree Aquifer (250 feet deep) located in the SW 1/4 NW 1/4 Section 21-T41N-R35W for institutional use at the Long Valley Elementary School. This site is located approximately 2 1/2 miles north of Long Valley SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2854-2 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 November 14, 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

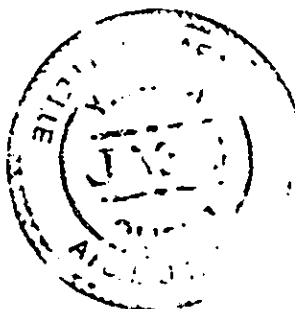
continued on **13**

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 November 14, 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 Nov. 3, 2022, at the total approximate cost of \$44.51 and may be viewed free of charge at www.sdpublicnotices.com]



*** Proof of Publication ***

STATE OF SOUTH DAKOTA)

County of Pennington)

SS:

S.D. DANR - GROUND WATER

523 E CAPITOL AVE

PIERRE SD 57501

ORDER NUMBER 51824

RECEIVED

NOV 07 2022

OFFICE OF
WATER

The undersigned, being duly sworn, upon his/her oath says: That he/she is now and was at all time hereinafter mentioned, a clerk of the RAPID CITY JOURNAL, a corporation of Rapid City, South Dakota, a legal and daily newspaper printed and published in Rapid City, in said County of Pennington, and has full and personal knowledge of all the facts herein stated as follows: that said newspaper is and at all of the times herein mentioned has been a legal and daily newspaper with a bonafide paid circulation of at least Two Hundred copies daily, and has been printed and published for at least one year prior to the first date of the published notice.

This affidavit is a true and corrected copy of notice which appeared

in said newspaper once each day for 1

successive day, the first publication there of being on the

3 day of November, 2022.

Section: Legal

Category: 0072 Public Notices

PUBLISHED ON: 11/03/2022

TOTAL AD COST: 70.83

FILED ON: 11/3/2022

Subscribed and sworn to before me this

3rd day of November, 2022.

Kelly L. Kanaan Notary Public

My commission expires

Jan 17, 2025

NOTICE OF APPLICATION NO.
2854-2 to Appropriate Water

Notice is given that Kadoka Area School District, c/o Polly A Brown, Water Operator, PO Box 99, Kadoka SD 57543 has filed an application for a water permit to appropriate an amount not exceeding 1.0 acre-feet of water annually at a maximum pump rate of 0.044 cubic feet of water per second from one existing well completed into the Arikaree Aquifer (250 feet deep) located in the SW 1/4 NW 1/4 Section 21-T41N-R35W for institutional use at the Long Valley Elementary School. This site is located approximately 2 1/2 miles north of Long Valley SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2854-2 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 November 14, 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 November 14, 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 November 3, 2022 for a total approximate cost of \$70.83 and may be viewed for free at www.sdpublicnotices.com)
Legal No: 51824

Kelly L. Kanaan

SEAL NOTARY PUBLIC SEAL
SOUTH DAKOTA

Schlaak, Karen

From: Schlaak, Karen
Sent: Monday, October 24, 2022 11:15 AM
To: RCY Legals (legals@rapidcityjournal.com)
Subject: 2854-2, Kadoka Area School District
Attachments: 2854-2public.short_final.docx; FORM8.FRM.doc

Attached is a notice to be published on November 3 2022.

Kadoka Area School District, c/o Polly A Brown, PO Box 99, Kadoka SD 57543 (605 685-3122) has been notified to contact you to authorize publication and arrange for payment.

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

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

Karen Schlaak

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



Schlaak, Karen

From: Schlaak, Karen
Sent: Monday, October 24, 2022 11:15 AM
To: 'ads@pioneer-review.com'
Subject: 2854-2, Kadoka Area School District
Attachments: 2854-2public.short_final.docx; FORM8.FRM.doc

Attached is a notice to be published on November 3 2022.

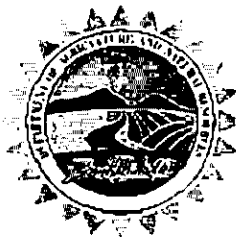
Kadoka Area School District, c/o Polly A Brown, PO Box 99, Kadoka SD 57543 (605 685-3122) has been notified to contact you to authorize publication and arrange for payment.

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

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

Karen Schlaak

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





**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

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

October 24, 2022

Kadoka Area School District
c/o Polly Brown, Water Operator
PO Box 99
Kadoka SD 57543

Dear Ms. Brown:

Water Permit Application No. 2854-2 for institutional use have been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice has been sent to the Pioneer Review (Ph # 605 859-2516) and the Rapid City Journal (Ph # 605 394-8336). You will need to contact the newspapers and authorize publication of this notice. For your information, a copy of the notice, the recommendation of the Chief Engineer and report on the application are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

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

Sincerely,

Karen Schlaak

Karen Schlaak
Water Rights Program
(605) 773-3352

enclosures

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

Schlaak, Karen

From: Schlaak, Karen
Sent: Monday, October 24, 2022 11:33 AM
To: Brown, Polly
Subject: 2854-2, Kadoka Area School District
Attachments: 4269.pdf

Polly,

Attached is a copy of the report, chief engineer recommendation and information regarding the public notice for the water permit application for Kadoka Area School District. As stated in the letter, please contact the papers as soon as possible to authorize publication and arrange for payment.

Regarding the Rapid City Journal, I will forward you the information I get from them (in a couple of days) which will make the process of pre-payment much easier.

This information is being mailed to you today. Let me know if you have questions.

Karen Schlaak

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



NOTICE OF APPLICATION NO. 2854-2 to Appropriate Water

Notice is given that Kadoka Area School District, c/o Polly A Brown, Water Operator, PO Box 99, Kadoka SD 57543 has filed an application for a water permit to appropriate an amount not exceeding 1.0 acre-feet of water annually at a maximum pump rate of 0.044 cubic feet of water per second from one existing well completed into the Arikaree Aquifer (250 feet deep) located in the SW 1/4 NW 1/4 Section 21-T41N-R35W for institutional use at the Long Valley Elementary School. This site is located approximately 2 1/2 miles north of Long Valley SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2854-2 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 November 14, 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 November 14, 2022.

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

Published once at the total approximate cost of_



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

DEC 08 2022

Kadoka Area School District
c/o Polly A Brown, Water Operator
PO Box 99
Kadoka SD 57543

Dear Ms. Brown:

Enclosed is Water Permit No. 2854-2 authorizing the school's water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

We will schedule an inspection so that the Water License may be issued to the school, thus completing the acquisition of a Water Right.

Sincerely,

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

enclosures



**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.: 2854-2

Name of Applicant: Kadoka Area School District, c/o Polly Brown

Date of Posting: 11/1/2022

Date of Removal: 12/8/2022

Ron Duvall, Water Rights Permitting Administrator

Date

Subscribed and sworn to before me, a notary public, this 8th day of dec, 2022.

Notary Public - South Dakota

My commission expires: 4/1/2025

(SEAL)

