

WATER PERMIT NO. 2862-2

Name of Applicant: **Chad R Robinson Living Trust**

Address: **105 Medina Ave, Bertrand NE 68927**

Phone: **308 991-1705**

Amount of Water Claimed: **1.78 cfs**

Total Acres: **140 acres**

Source of Water Supply: **groundwater (one well)**

Water to be used for: **irrigation**

County: **Bennett**

Type of Waste Disposal System:

Location: **approximately 4 miles south of Martin**

PRIORITY

Date Received: **12-8-22**

Application/License Fee: **\$1050**

Corrected Application Received:

Period of Annual Use: **April 1 – October 31**

Remarks:

Diversion Point: **approximate center SW 1/4 Sec**
35-T37N-R38W

Land to be Irrigated: **SW 1/4 Sec 35-T37N-R38W**

Depth of Well: **250-450 feet deep**

Well Driller:

Remarks:

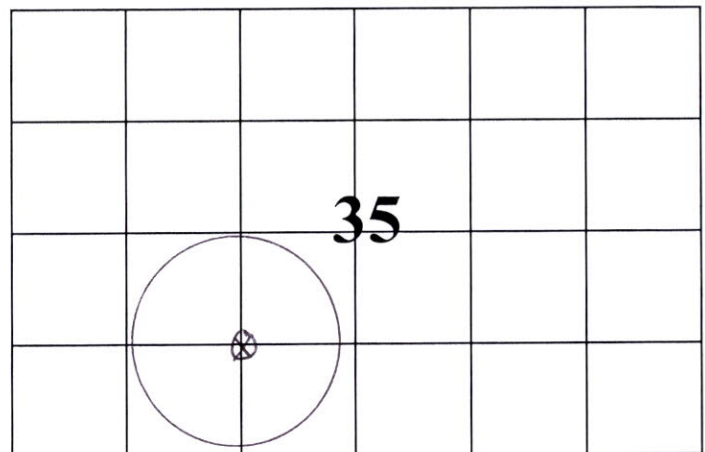
Type of Map: **aerial**

Prepared by:

Reviewed and the Number Assigned on: **12-20-22**

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____



**SOUTH DAKOTA
WATER PERMIT NO. 2862-2**

Date of first receipt of application November 30, 2022.

Date of return to applicant for corrections, amendments, or changes November 30, 2022.

Date of receipt of corrected application December 20, 2022.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 2862-2 to Chad R Robison Living Trust, 105 Medina Ave, Bertrand, NE 68927 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. 2862-2 appropriates 1.78 cfs from one well to be completed into the Arikaree Aquifer (250-450 feet deep) located in the approximate center of the SW 1/4 Section 35 for irrigation of 140 acres located in the SW 1/4 Section 35; all in T37N-R38W.
2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: May 1 – October 31.
3. The date from which applicant may claim right is November 30, 2022.
4. The date of approval of Permit No. 2862-2 is March 6, 2023.
5. One-fifth of the construction is to be completed on or before September 6, 2025.
6. All construction is to be completed on or before March 6, 2028.
7. Water is to be put to beneficial use on or before March 6, 2032.
8. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. The well approved under Water Permit No. 2862-2 is located near domestic wells and other wells which may obtain water from the same aquifer. Water withdrawals shall be controlled so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The well authorized by Permit No. 2862-2 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
3. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

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

MAR 27 2023
date



Mail to:

SD DANR, Water Rights
523 E Capitol Ave
Pierre, SD 57501-3182

ph. (605) 773-3352

No. 2862-2 Hydrologic Unit 10140202

Basin White River

Newspaper _____

(office use only)

RECEIVED

NOV 30 2022

OFFICE OF
WATER

Application for Permit to Appropriate Water for Irrigation

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

(Use predates Mar 2, 1955)

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

1. Name to Appear on Irrigation Permit Chad R. Robison Living Trust

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

Mailing Address 105 Medina Avenue Bertrand NE 68927

(Address)

(City)

(State)

(Zip Code)

Phone 308-991-1705 Mobile " Email robisonchad19@gmail.com

2. Amount of water claimed 1.78 *CFS or 800 **GPM 1000 ***AF Total Acreage 140
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)

3. Source of water supply Ground water

4. Location of point of diversion 1 well in SW corner T37N R38W section 35
(example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)

(approximate center SW 1/4)

County Berrett Co

5. County or counties where water will be used Berrett County

6. Annual period during which water is to be used May - October 31 irrigation season

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

Land Description	Acres	Land Description	Acres
<u>SW 1/4 T37N R38W section 35</u>	<u>35</u>		
<u>Under pivot irrigation</u>	<u>140</u>		

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

I, Chad Robison, the applicant, certify under
Name of Person Title (if applicable)

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

Supplemental Information

(type or print)

2812-2

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 0 Provide copy of log(s), if available. Drilled by _____

For either existing or proposed wells:

c) Well Depth (required) 250-450 Depth to Top of Water Bearing Material 80 Depth to Water from Surface 25

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

2. Wastewater Disposal System Information

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

b) System Capacity (gallons) _____ Year Constructed _____

c) Connected to the City of _____ Sanitary System

3. Dugout Information

a) Surface Dimensions _____ Depth _____

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

4. Water Storage Dams

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

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

b) Freeboard _____

c) Crest Width _____

Crest Length _____

d) Height _____

e) Primary Outlet Capacity _____

If pipe, diameter _____

f) Secondary Spillway Capacity _____

Spillway Width _____

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

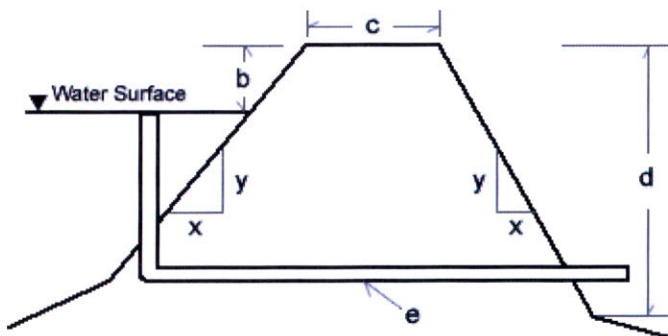
Upstream _____

Downstream _____

h) Area of Impoundment _____

i) Storage _____ Acre Feet

j) Drainage Area Above Dam _____ Acres



1285' pivot

135 acres

Legend

T37N R38W
Polygon Measure
Section 35

140 Acres
irr.

T37N R38W
Section 35

Google Earth

N

1000 ft

RECEIPT

WATER RIGHTS PROGRAM South Dakota Department of Agriculture and Natural Resources

Date December 20, 2022

RECEIVED OF Robison Farms 105 Medina Ave., Bertrand NE 68927

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

Fee for Application for Permit No. <u>2862-2</u> to Appropriate Water, to construct and to put water to beneficial use	\$ <u>850.00</u>
Fee for Application for Permit No. _____ to Appropriate Water for Future use	\$ _____
Fee to retain Future Use Permit No. _____ after period of seven years.	\$ _____
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>2862-2</u>	\$ <u>200.00</u>
Fee for Filing Transfer Form _____	\$ _____
Fee for _____	\$ _____
Fee for Issuing New Well Driller's License No. _____	\$ _____
Fee for Renewal of Well Driller's License No. _____	\$ _____
Fee for Issuing Well Pump Installer's License No. _____	\$ _____
Fee for Renewal of Well Pump Installer's License No. _____	\$ _____
(Any Other Work Provided by Law)	
TOTAL	\$ <u>1050.00</u>

By Eric Gronlund
Chief Engineer
vm



**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. 2862-2, Chad R Robison Living Trust**

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. 2862-2, Chad R Robison Living Trust, c/o Chad Robison, 105 Medina Avenue, Bertrand NE 68927.

The Chief Engineer is recommending APPROVAL of Application No. 2862-2 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. 2862-2 is located near domestic wells and other wells which may obtain water from the same aquifer. Water withdrawals shall be controlled so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The well authorized by Permit No. 2862-2 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
3. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

See report on application for additional information.

Eric Gronlund, Chief Engineer
February 13, 2023

REPORT TO THE CHIEF ENGINEER
ON
WATER PERMIT APPLICATION NOS. 2855-2, 2856-2, 2857-2, 2858-2, 2859-2, 2860-2,
2861-2, 2862-2, & 2863-2
FOR
CHAD R ROBISON LIVING TRUST
C/O CHAD ROBISON
FEBRUARY 10, 2022

These nine applications for the Chad R Robison Living Trust propose to appropriate water from the Arikaree aquifer. These nine applications range from 4.5 miles southwest, to 4.8 miles south east, and in a range of 3 to 4 miles south of Martin, South Dakota all in Bennett County.

Application No. 2855-2 proposes to appropriate 3.56 cubic feet of water per second (cfs) from two wells to be completed into the Arikaree Aquifer (250 to 450 feet deep) located in the approximate center of NW 1/4 and the SW 1/4 Section 12 for irrigation of 420 acres located in the W 1/2 Section 12 and NE 1/4 Section 13; all in T36N-R38W.

Application No. 2856-2 proposes to appropriate 1.78 cfs from one well to be completed into the Aquifer (250-450 feet deep) located in the approximate center of the SE 1/4 Section 6 for irrigation of 140 acres located in the SE 1/4 Section 6; all in T36N-R37W.

Application No. 2857-2 proposes to appropriate 1.78 cfs from one well to be completed into the Arikaree Aquifer (250-450 feet deep) located in the E 1/2 SE 1/4 Section 1 for irrigation of 110 acres located in the E 1/2 SE 1/4 Section 1; all in T36N-R38W and the W 1/2 SW 1/4 (Lots 4 and 5) Section 6; all in T36N-R37W. The applicant is requesting a diversion rate greater than the statutory limit of 1 cfs per 70 acres.

Application No. 2858-2 proposes to appropriate 1.78 cfs from one well to be completed into the Arikaree Aquifer (250-450 feet deep) located in the approximate center of the NE 1/4 Section 7 for irrigation of 140 acres located in the NE 1/4 Section 7; all in T36N-R37W.

Application No. 2859-2 proposes to appropriate 1.78 cfs from one well to be completed into the Arikaree Aquifer (250-450 feet deep) located in the approximate center of the SE 1/4 Section 2 for irrigation of 60 acres located in the W 1/2 SE 1/4 Section 2; all in T36N-R38W. The applicant is requesting a diversion rate greater than the statutory limit of 1 cfs per 70 acres.

Application No. 2860-2 proposes to appropriate 1.78 cfs from one well to be completed into the Arikaree Aquifer (250-450 feet deep) located in the approximate center of the NW 1/4 Section 10 for irrigation of 140 acres located in the NW 1/4 Section 10; all in T36N-R37W.

Application No. 2861-2 proposes to appropriate 1.78 cfs from one well to be completed into the Arikaree Aquifer (250-450 feet deep) located in the approximate center of the SW 1/4 Section 34 for irrigation of 140 acres located in the SW 1/4 Section 34; all in T37N-R38W.

Application No. 2862-2 proposes to appropriate 1.78 cfs from one well to be completed into the Arikaree Aquifer (250-450 feet deep) located in the approximate center of the SW 1/4 Section 35 for irrigation of 140 acres located in the SW 1/4 Section 35; all in T37N-R38W.

Application No. 2863-2 proposes to appropriate 1.78 cfs from one well to be completed into the Arikaree Aquifer (250-500 feet deep) located in the approximate center of the NW 1/4 Section 11 to irrigate 140 acres located in the NW 1/4 Section 11; all in T36N-R38W. This is an existing system currently utilizing the well authorized by Water Right No. 1234-2. Water Right No. 1234-2 authorizes 2.17 cfs from one well located in the center of the NE 1/4 Section 11 for irrigation of 152 acres located in the NE 1/4 Section 11; all in T36N-R38W. The additional well will allow the two pivots to operate simultaneously.

Table 1- Requested diversion rate and acres to be irrigated under these applications

Application No.	CFS	Acres
2855-2	3.56	420
2856-2	1.78	140
2857-2	1.78	110
2858-2	1.78	140
2859-2	1.78	60
2860-2	1.78	140
2861-2	1.78	140
2862-2	1.78	140
2863-2	1.78	140
Total acres		1,430

AQUIFER: Arikaree (ARKR)

Aquifer Characteristics:

The Arikaree Formation, also called the Arikaree Group in some publications, is a Tertiary-Aged group of formations consisting of "...silicified claystone, silty clays, siltstone, and poorly consolidated sandstone, all of which are a light pinkish tan." (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 and thus has a much larger total areal extent than just the outcrop area.

The Arikaree aquifer is the portion of the formation that yields sufficient quantities of water to wells to be utilized for domestic, irrigation and other uses. The aquifer is comprised primarily of the saturated sandstones and siltstones within the Arikaree Formation (Carter, 1998; Long and Putnam, 2010). Often, the Arikaree aquifer is called the "red rock" by local well drillers. Allen, Iles, and Petres (1985) estimated the areal extent of the Arikaree aquifer to underlie approximately 2,541,440 acres of South Dakota and contain an estimated 7,624,320 acre-feet (ac-ft) of recoverable water in storage. The Arikaree aquifer varies from confined primarily where it is buried underneath the Ogallala Group to unconfined along the outcrop and areas where erosion has incised into the aquifer (Water Rights, 2023d and 2023f).

No test hole or well completion reports were submitted with any of the applications. Based on the available observation well data (Water Rights, 2023d), well completion reports (Water Rights, 2023f), and lithologic logs (SDGS, 2023), the proposed diversion points for these applications are likely to be unconfined. Application No. 2863-2 may be under confined or semi-confined conditions based on the geology and hydrograph (see Figure 2) for observation well BT-77E (Water Rights, 2023d). Aquifer material at the locations include the fine sand of Quaternary age making up the overlying Quaternary Eolian Formation or the sandstones and siltstones of the Arikaree aquifer and generally start at or near land surface (SDGS, 2023; Water Rights, 2023d and 2023f). Aquifer material thickness appears to range from 100 feet to in excess of 400 feet (SDGS, 2023; Water Rights, 2023d and 2023f). The static water levels are typically in the range of 50 to 80 feet below ground surface (Water Rights, 2023d) but can be as high as 25 feet below land surface (Water Rights, 2023f). Figure 1 is a map of the proposed diversion points, and nearby Arikaree aquifer water rights/permits and observation wells (Water Rights, 2023d and 2023e). The water rights/permits shown in Figure 1 are listed in Table 2.

Table 2- Water rights/permits shown in Figure 1 (Water Rights, 2023e)

PERMIT NO.	NAME	PRIORITY DATE	STATUS	USE	CFS	ACRES
677-2	CITY OF MARTIN	04/07/1961	LC	MUN	0.47	n/a
1234-2	CHAD R ROBISON LIVING TRUST	01/09/1975	LC	IRR	2.17	152
1235-2	CHAD R ROBISON LIVING TRUST	01/09/1975	LC	IRR	2.17	152
1327-2	CHAD R ROBISON LIVING TRUST	12/08/1975	LC	IRR	1.78	130
1414-2	CHAD R ROBISON LIVING TRUST	01/09/1975	LC	IRR	3.4	260
1731-2	ROCKY RISSE	09/12/1980	LC	IRR	1.45	132
1844-2	CITY OF MARTIN	01/01/1936	LC	MUN	0.75	n/a
1941A-2	CHAD R ROBISON LIVING TRUST	02/12/1975	LC	IRR	1.6	130
1941B-2	RODNEY L OR LORRAINE K BUCKLES	02/12/1975	LC	IRR	1.8	189
2517-2	CITY OF MARTIN	01/12/2004	LC	MUN	0.67	n/a
LC= Water Right, MUN= Municipal, IRR= Irrigation						

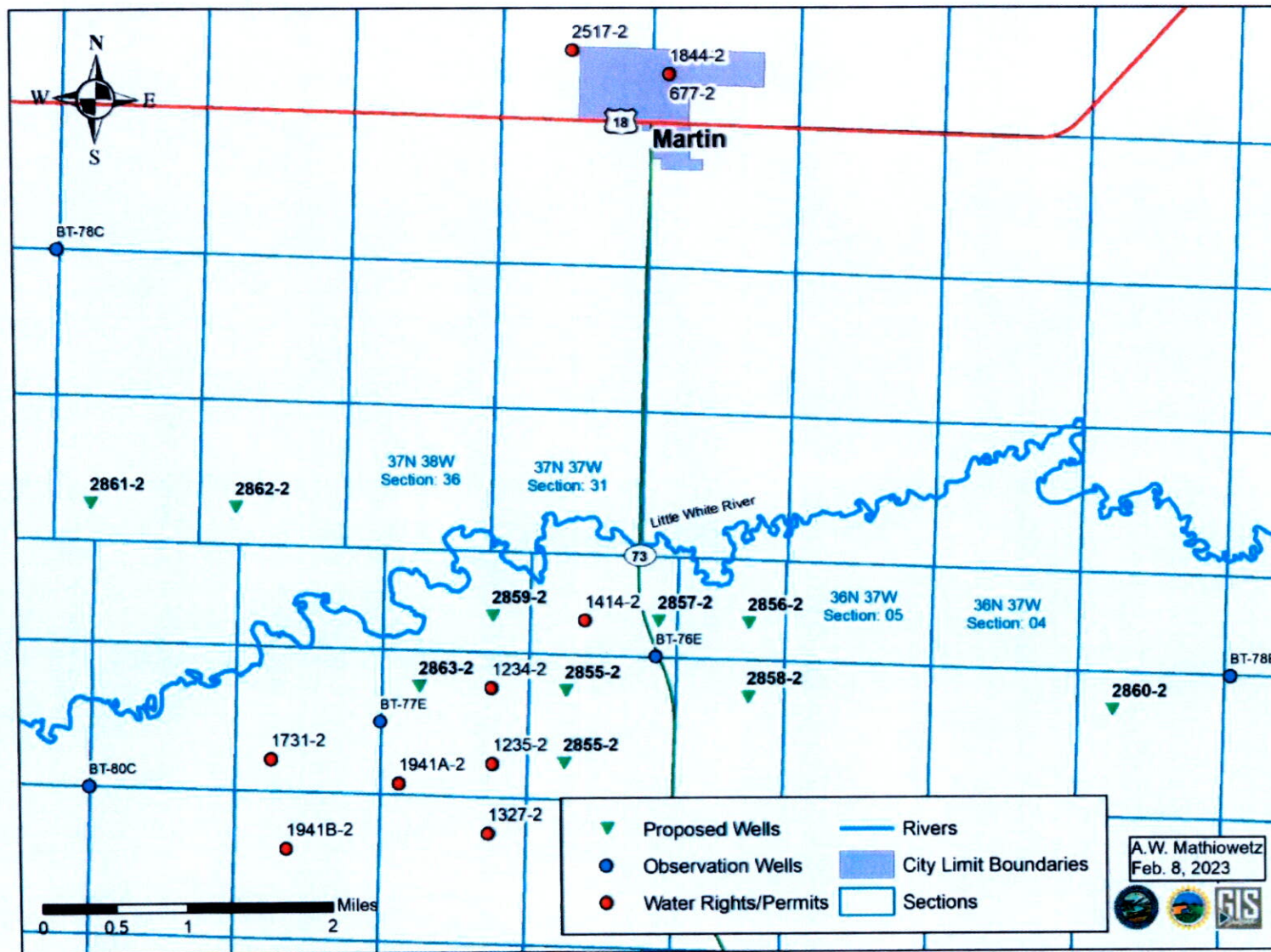


Figure 1- Map of the proposed well locations, Arikaree aquifer observation wells, and Arikaree aquifer water right/permits (Water Rights, 2023d and 2023e)

APPLICABLE SOUTH DAKOTA CODIFIED LAW (SDCL):

Pursuant to SDCL 46-2A-9, "A permit to appropriate water may be issued only if there is a reasonable probability that there is unappropriated water available for the applicant's proposed use, that the diversion point can be developed without unlawful impairment of existing domestic water uses and water rights, and that the proposed use is a beneficial use and in the public interest as it pertains to matters of public interest within the regulatory authority of the Water Management Board as defined by SDCL 46-2-9 and 46-2-11." This report will address the availability of unappropriated water and the potential for unlawful impairment of existing domestic water uses and water rights within the Arikaree aquifer.

Pursuant to SDCL 46-6-3.1, 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 the water to the groundwater source. An exception allows water distribution systems to withdraw from groundwater sources older or stratigraphically lower than the Greenhorn Formation regardless of the results of a hydrologic budget. The applicant is not a water distribution system as defined in SDCL 46-1-6(17) and the Arikaree aquifer is younger and stratigraphically higher than the Greenhorn Formation. Therefore, the Water Management Board needs to consider whether recharge to the aquifer exceeds withdrawals.

Pursuant to SDCL 46-5-6 the amount of water diverted may not exceed 1 cfs per 70 acres irrigated, but also provides that the "Water Management Board may allow a greater diversion, in volume or rate or both, if the method of irrigation, any time constraints on diversion of water, or the type of soil so requires." For Application Nos. 2857-2 and 2859-2, the applicant is requesting to divert more than 1 cfs per 70 acres for this application; the equivalent of 1.13 and 2.08 cfs per 70 acres, respectively. No specific reason was provided with either application. The proposed center pivot for Application No. 2857-2 is undersized compared to a standard quarter section sized pivot. The proposed center pivot for Application No. 2859-2 is proposing to only make a partial rotation. In both circumstances, the center pivot still needs the diversion rate that a full size and full rotation quarter section center pivot would use in order for the smaller area pivots to operate properly. This reasoning has been accepted by the Chief Engineer and the Water Management Board in the past.

Hydrologic Budget:*Recharge*

The Arikaree aquifer is primarily recharged through the infiltration of precipitation where the aquifer is at or near land surface, the outcrop, and through streamflow loss on the outcrop (Carter, 1998; Long and Putnam, 2010). Long and Putnam (2010) used steady-state simulation to estimate a recharge rate of 1.45 inches per year to the outcrop of the Arikaree Formation in Todd and Mellette counties. Assuming the Arikaree Formation outcrop is under similar conditions throughout South Dakota, the recharge rate from Long and Putnam (2010) can be applied to the entire areal extent of the outcrop (1,514,080 acres) from Martin and others (2004). That equates to an estimated average annual recharge rate of 183,000 ac-ft/yr.

There are several other estimates of recharge rate to the Arikaree aquifer (Hedges and Burch, 1985) or including the Arikaree aquifer with other aquifers (Kolm and Case, 1983). However, it is noted in Hedges and Burch (1985) the recharge rate estimates are suspect due to hydrologic conditions

Permit Application Nos. 2855-2, 2856-2, 2857-2, 2858-2, 2859-2, 2860-2, 2861-2, 2862-2, & 2863-2

being somewhat different than the assumptions used in the calculations for those other estimates. For Kolm and Case (1983), the Arikaree aquifer is lumped in with the Ogallala aquifer and called the High Plains aquifer. In South Dakota, the Ogallala aquifer is generally more transmissive and overlies the Arikaree, where both are present. This means any estimates are likely overestimates of recharge to the Arikaree aquifer. Because the Long and Putnam (2010) is specific, for at least a portion, of the Arikaree aquifer, it is the best information available regarding recharge to the Arikaree aquifer.

Discharge

Discharge from the Arikaree aquifer is primarily through well withdrawals (Water Rights, 2023e and 2023f). However, evapotranspiration where the aquifer is at or near land surface, and losses to streams and discharge to overlying alluvial aquifers when the potentiometric surface of the Arikaree aquifer is higher than the streams and overlying alluvial aquifers is possible (Carter, 1998; Long and Putnam, 2010). Currently, there are 40 water rights/permits listed as appropriating water from the Arikaree aquifer (Water Rights, 2023e). Water Right No. 1260-2, while currently authorized to divert water from the Arikaree aquifer, has been determined to be diverting water from the Ogallala aquifer instead. Since the wells authorized by Water Right No. 1260-2 are diverting water from the Ogallala aquifer, they will not be included in this analysis. Thus, there are 39 active water rights/permits appropriating water from the Arikaree aquifer.

Table 3 summarizes the estimated average annual use by non-irrigation water rights/permits withdrawing water from the Arikaree aquifer in South Dakota (Water Rights, 2023e). Non-irrigation water rights/permits that are only limited by diversion rate are assumed to pump 60% of the time at their permitted diversion rate. Water rights/permits with a permitted volume are assumed to pump their maximum permitted volume. Future use permits are assumed to be fully developable. These are the standard methods used by the Water Rights Program to estimate water use. Water Right No. 2517-2 held by the City of Martin is required to report their annual volume pumped from the Arikaree aquifer (Water Rights, 2023e). Their reported pumpage is shown in Table 4 for comparison's sake because the city included pumping under Water Right No. 677-2 for several years in their reporting. The average reported pumpage is less than the 60% of the time pumping estimate, thus the estimate from Table 3 will be used for this hydrologic budget. The estimated average annual non-irrigation use from the Arikaree aquifer is 1,037.1 ac-ft/yr.

Table 3- Estimated annual use by Arikaree aquifer non-irrigation water rights/permits (Water Rights, 2022e)

PERMIT NO.	NAME	COUNTY	USE	PRIORITY DATE	STATUS	CFS	ESTIMATED ANNUAL VOL (AC-FT)	PERMITTED ANNUAL VOLUME (AC-FT)
677-2	CITY OF MARTIN	BT	MUN	04/07/1961	LC	0.47	204.2	n/a
1612-2	TOWN OF BATESLAND	OL	MUN	10/17/1977	LC	0.15	65.2	n/a
1618-2	SHANNON COUNTY SCHOOL DIS	OL	INS	11/02/1977	PE	0.07	30.4	n/a
1844-2	CITY OF MARTIN	BT	MUN	01/01/1936	LC	0.75	325.8	n/a
2478-2	MARTIN J VANDERPLOEG	BT	FWP	02/15/2002	LC	0.1	43.4	n/a
2517-2	CITY OF MARTIN	BT	MUN	01/12/2004	LC	0.67	291.0	n/a
2597-2	US FISH/WILDLIFE SERVICE	BT	DOM	07/12/2006	LC	0.038	16.5	n/a
2602-2	WEST PLAINS GRAIN	OL	COM	09/11/2006	LC	0.022	9.6	n/a
2837-2	OGLALA LAKOTA COUNTY SCHOOL DIST 65-1	OL	INS, WDS	01/28/2022	PE	0.67	n/a	50
2854-2	KADOKA AREA SCHOOL DISTRICT	JA	INS	08/29/2022	PE	0.044	n/a	1
BT= Bennett, OL= Oglala Lakota, JA= Jackson, MUN= Municipal, INS= Institutional, FWP= Fish and Wildlife Propagation, DOM= Domestic, COM= Commercial, WDS= Water Distribution System, LC= Water Right, PE= Water Permit						<i>Subtotal</i>	986.1	51
						Total	1,037.1	

Table 4- Reported annual volume pumped under Water Right No. 2517-2 (Water Rights, 2022c)

Year	Acre-Feet
2003	n/a
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
Avg.	228.4

Currently, there are 29 irrigation water rights/permits, not including Water Right No. 1260-2 as previously discussed, authorized for irrigation use from the Arikaree aquifer (Water Rights, 2022e). Water Right No. 1257-2, authorized for the irrigation of 134.6 acres, does not have an annual reporting requirement. Generally, crop irrigators in South Dakota apply less than one foot of water per acre. To account for wet and dry cycles from year to year, the application rate of one foot per acre will be used to estimate average annual use under Water Right No. 1257-2 (134.6 acres) and the new acres to be irrigated under these nine applications (1,430 acres). Thus, the estimated average annual use under Water Right No. 1257-2 and for the new acres to be irrigated under these applications is 1,564.6 ac-ft/yr.

Table 5 is the reported irrigation pumpage from the Arikaree aquifer, again not including Water Right No. 1260-2. Since the number of permits irrigating from the aquifer has been relatively stable over the period of record, it is appropriate to use the 1982 to 2021 average annual reported irrigation, 1,903.6 ac-ft/yr (Water Rights, 2023b). The average across the last 10 years was included because it has become standard practice within the Water Rights Program to review the more recent data to account for changes in irrigation management and practices. Furthermore, using a more recent average takes in to account recent development of the aquifer and provides a better picture of likely average annual irrigation pumpage going forward.

Table 5- Reported annual irrigation pumpage from the Arikaree aquifer (Water Rights, 2023b)

Year	No. of Permits Reporting	Reported Pumpage (acre-feet)	Year	No. of Permits Reporting	Reported Pumpage (acre-feet)
1982	24	1,551.11	2004	20	1,711.86
1983	24	1,577.53	2005	21	1,911.79
1984	28	2,276	2006	21	2,413.81
1985	24	2,973	2007	21	2,903.38
1986	22	1,426	2008	22	2,133.28
1987	22	1,492	2009	22	1,944.51
1988	22	2,175	2010	20	2,069.07
1989	22	4,331.5	2011	22	1,196.88
1990	22	2,577	2012	22	4,053.02
1991	22	1,606.70	2013	25	2,344.95
1992	21	1,082.10	2014	26	1,336.57
1993	21	699.4	2015	27	1,631.27
1994	20	1,290.09	2016	27	1,906.85
1995	20	1,670.79	2017	27	2,138.32
1996	20	2,510.20	2018	26	1,337.37
1997	20	1,159	2019	26	512.06
1998	18	1,324.62	2020	28	1,018.79
1999	19	1,452.70	2021	28	2,370.91
2000	19	2,067.06	Min	18	512.06
2001	19	1,554.80	Max	28	4,331.5
2002	19	2,563.15	Avg.	22.5	1,903.6
2003	20	1,848.67	Avg. (2012-2021)	26.2	1,865.0

There are domestic wells completed into the Arikaree aquifer that do not require a water right/permit, nor are required to report annual pumpage (Water Rights, 2021e). The introduction of rural water systems in the area where the Arikaree aquifer is the uppermost aquifer has caused some of the domestic wells to no longer be in use or no longer be used as a primary water source. Furthermore, domestic wells have a limited withdrawal rate allowed under South Dakota water law. Therefore, for the above listed reasons, withdrawal by domestic wells is not considered a significant portion of the hydrologic budget for the Arikaree 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 Arikaree 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.

Hydrologic Budget

The estimated average annual recharge to the Arikaree aquifer is 183,000 ac-ft/yr. The estimated average annual withdrawal from the aquifer is 4,505.3 ac-ft/yr (1,037.1 ac-ft/yr for non-irrigation; 1,903.6 ac-ft/yr for irrigation; 1,564.6 ac-ft/yr for Water Right No. 1257-2 and these applications) 9 proposed applications.

An unknown amount of water may be withdrawn from the Arikaree aquifer by tribal members on tribal trust land. The estimated average annual withdrawal rate by appropriative water rights/permits administered by the SD DANR-Water Rights Program, including these pending applications, is approximately 2.4% of the estimated average annual recharge to the aquifer. Based on the hydrologic budget for the Arikaree aquifer, there is a reasonable probability unappropriated water is available for these proposed appropriations.

Observation Well Data:

Administrative Rule of South Dakota Section 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 Water Rights Program maintains 37 observation wells completed into the Arikaree aquifer (Water Rights, 2023d).

As shown in Figure 1, there are five Arikaree aquifer observation wells within two miles of any one of these applications (Water Rights, 2023d). The hydrographs for these observation wells are shown in Figure 2. These five observation well hydrographs are representative of the Arikaree aquifer. In general, the observation well hydrographs show the water levels in the Arikaree aquifer observation wells are stable to slightly increasing (Water Rights, 2023d). There are several observation wells with definitive upward trending water levels (for example BT-78E and BT-78C) and a couple of confined observation wells that show a slight declining water level. These slight declining water level observation wells are the equilibration of the potentiometric surface to new

pumping in the area of the observation wells (for example BT-77E) and are not indicative of over appropriation.

The hydrographs document the water level in the aquifer rises during wetter periods and slowly declines during drier periods. Furthermore, the effects of local pumping on the water level in the observation wells, where present, recover to pre-pumping season levels. This recovery and following of the climatic wet/dry cycle mean that natural conditions, recharge to and natural discharge from the aquifer, govern the long-term changes in water level of the aquifer. Recognizing that recharge to and natural discharge from and aquifer can be captured for pumping, the observation well data demonstrates there is unappropriated water available in the Arikaree aquifer for these proposed appropriations. The observation well data agrees with the hydrologic budget data.

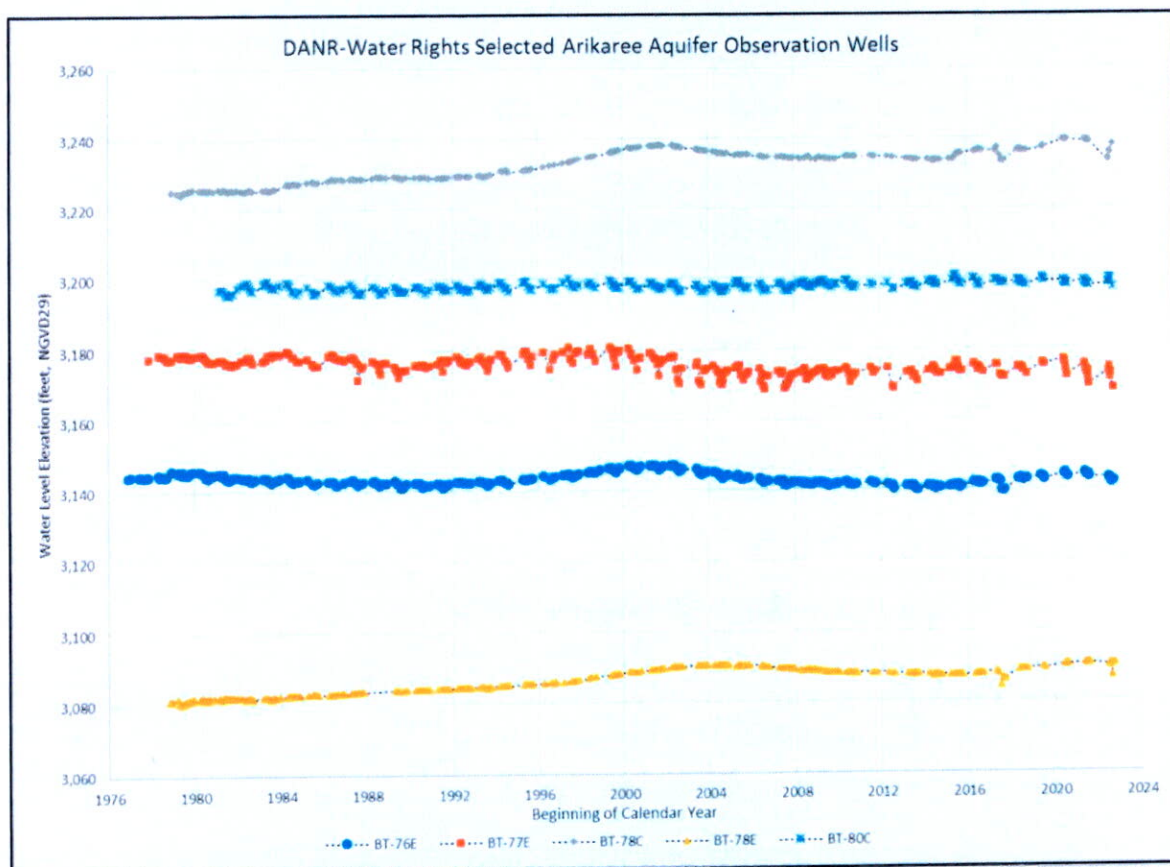


Figure 2- Hydrographs for observation wells BT-76E, BT-77E, BT-78C, BT-78E, and BT-80C (Water Rights, 2023d)

POTENTIAL FOR UNLAWFUL IMPAIRMENT OF EXISTING WATER RIGHTS:

The nearest Arikaree aquifer appropriative wells to these applications, not including appropriative wells held by the applicant, are listed in Table 6 (Water Rights, 2023e). There are a number of Arikaree aquifer domestic wells located within one mile of several of these applications on file with the DANR-Water Rights Program (Water Rights, 2023f). There may be other domestic wells

completed into the Arikaree aquifer in close proximity to these applications that are not on file with the Water Rights Program.

Table 6- Nearest Arikaree aquifer water rights/permits, not held by the applicant, to these nine water permit applications (Water Rights, 2023e)

Application No.	Nearby Water Right/Permit	Distance (miles)	Direction
2855-2	1731-2; 1941B-2	2.0	West
2856-2	1731-2	3.4	Southwest
2857-2	1731-3	2.9	Southwest
2858-2	1731-2; 1941B-2	3.3	West/Southwest
2859-2	1731-2	1.8	Southwest
2860-2	1003-2	2.5	East
2861-2	1731-2	2.2	Southeast
2862-2	1731-2	1.7	South
2863-2	1731-2	1.1	Southwest

There are no well interference complaints from the Arikaree aquifer in Bennett County (Water Rights, 2023a). There was one unsubstantiated well interference complaint involving an irrigation well and a domestic well each completed into the Ogallala aquifer in Bennett County (Water Rights, 2023a)

In the area of these applications, the Arikaree aquifer is expected to generally be under unconfined conditions (SDGS, 2023; Water Rights, 2023d and 2023f). Application No. 2863-2 may be under confined conditions. At the proposed diversion points, the static water level is expected to be between 50 to 80 feet below grade with a saturated aquifer thickness in excess of 100 feet and up to 400 feet (Water Rights, 2023d, 2023e and 2023f). That would allow a pump to be placed at least 20 feet into the saturated aquifer, in most cases, as required by Administrative Rule of South Dakota (ARSD) 74:02:04:20(6) to qualify as an adequate well. The Water Management Board has recognized in the past that to place water to maximum beneficial use some drawdown may occur. In order to protect domestic users, 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.

Observation well BT-77E is located within 1.5 miles of 7 appropriate irrigation wells (see Figure 1). The hydrograph for this observation well is shown in Figure 2. The water levels of the observation well have varied 12.5 feet of the entire period of record and show a generally stable water level. In 2002, there was a noticeable four-foot decline and then restabilization of water levels in the observation well (see Figure 3). This is likely due to increased localized pumping reducing artesian head pressure in the observation well before the water levels reached a new equilibrium. Even at the lowest recorded water level, there was still 419 feet of saturated thickness remaining in the aquifer.

Permit Application Nos. 2855-2, 2856-2, 2857-2, 2858-2, 2859-2, 2860-2, 2861-2, 2862-2, & 2863-2

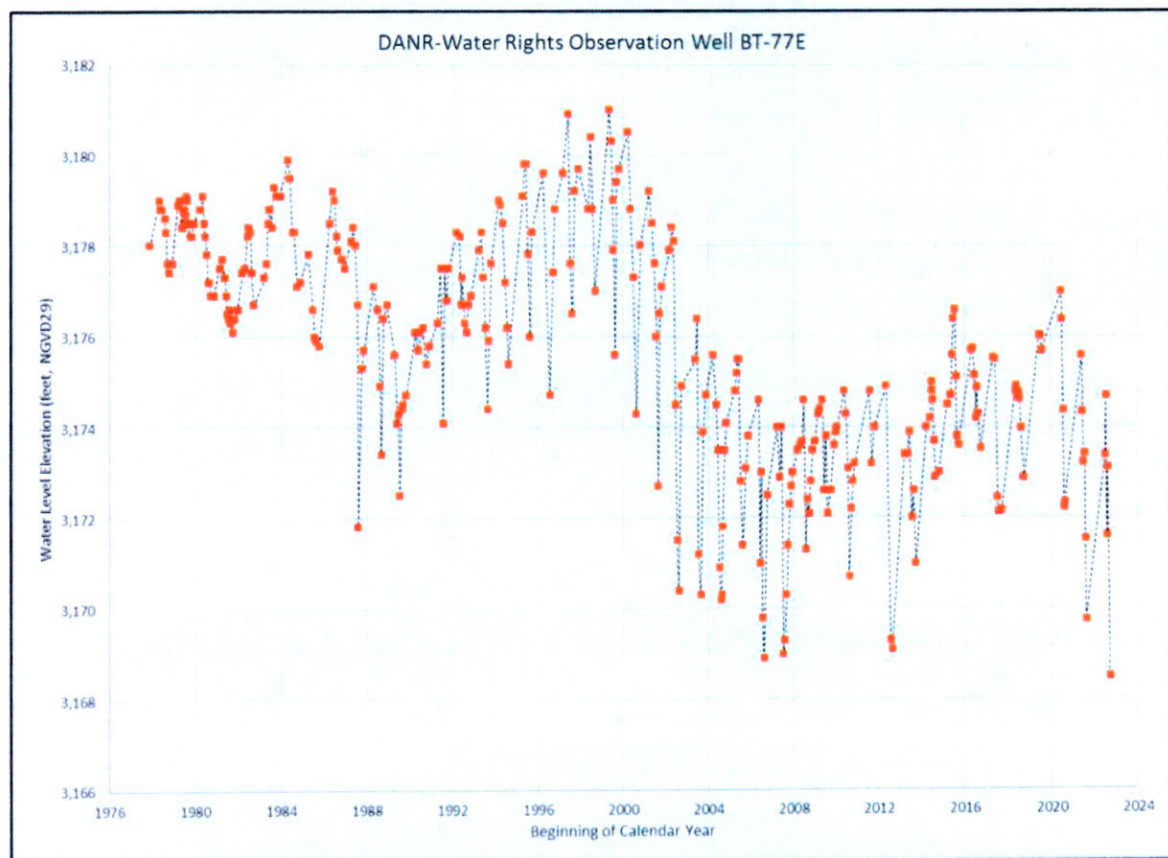


Figure 3- Hydrograph for observation wells BT-77E (Water Rights, 2023d)

Any drawdown created from pumping either of these proposed diversions is not expected to cause unlawful impairment on existing water rights with adequate wells or adequate domestic wells. This is due to the generally unconfined nature of the aquifer, the lack of history regarding well interference complaints, the relatively limited amount of drawdown in the aquifer by high pumping rate wells as shown by the hydrograph for BT-77E, and the significant saturated thickness in the aquifer locally. Therefore, there is a reasonable probability these proposed diversions will not unlawfully impair existing appropriate users with adequate wells or adequate domestic wells completed into the Arikaree aquifer.

CONCLUSIONS:

1. Water Permit Application No. 2855-2 proposes the irrigation 420 acres at a maximum instantaneous diversion rate of 3.56 cfs from two wells.
2. Water Permit Application No. 2856-2 proposes the irrigation of 140 acres at a maximum instantaneous diversion rate of 1.78 cfs from one well.
3. Water Permit Application No. 2857-2 proposes the irrigation of 110 acres at a maximum instantaneous diversion rate of 1.78 cfs from one well. This application proposes to irrigate at a diversion rate greater than the statutory limit of 1 cfs per 70 acres.

Permit Application Nos. 2855-2, 2856-2, 2857-2, 2858-2, 2859-2, 2860-2, 2861-2, 2862-2, & 2863-2

4. Water Permit Application No. 2858-2 proposes the irrigation of 140 acres at a maximum instantaneous diversion rate of 1.78 cfs from one well.
5. Water Permit Application No. 2859-2 proposes the irrigation of 60 acres at a maximum instantaneous diversion rate of 1.78 cfs from one well. This application proposes to irrigate at a diversion rate greater than the statutory limit of 1 cfs per 70 acres.
6. Water Permit Application No. 2860-2 proposes the irrigation of 140 acres at a maximum instantaneous diversion rate of 1.78 cfs from one well.
7. Water Permit Application No. 2861-2 proposes the irrigation of 140 acres at a maximum instantaneous diversion rate of 1.78 cfs from one well.
8. Water Permit Application No. 2862-2 proposes the irrigation of 140 acres at a maximum instantaneous diversion rate of 1.78 cfs from one well.
9. Water Permit Application No. 2863-2 proposes the irrigation of 140 acres at a maximum instantaneous diversion rate of 1.78 cfs from one well. This is an existing system located in the NW1/4 Section 11-T36N-R38W currently utilizing the well authorized by Water Right No. 1234-2. Water Right No. 1234-2 authorizes 2.17 cfs from one well located in the center of the NE 1/4 Section 11 for irrigation of 152 acres located in the NE 1/4 Section 11; all in T36N-R38W. The additional well will allow the two pivots to operate simultaneously.
10. Application No. 2857-2 proposes to irrigate at a diversion rate in excess of the statutory limit of 1 cfs per 70 acres. The proposed pivot is an undersized pivot and likely still needs a full-sized pivot diversion rate to operate properly. This reasoning has been accepted by the Water Rights Program and the Water Management Board in the past.
11. Application No. 2859-2 proposes to irrigate at a diversion rate in excess of the statutory limit of 1 cfs per 70 acres. The proposed center pivot will only make a partial rotation, but still require the same diversion rate as a pivot making a full rotation. This reasoning has been accepted by the Water Rights Program and the Water Management Board in the past.
12. Based on the hydrologic budget and observation well data there is a reasonable probability unappropriated water is available in the Arikaree aquifer for these nine proposed appropriations.
13. There is a reasonable probability development of these nine applications will not unlawfully impair existing appropriative users with adequate wells or adequate domestic wells completed into the Arikaree aquifer.



Adam Mathiowetz, PE
SD DANR-Water Rights Program

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- Water Rights. 2023e. Water Right/Permit Files. SD DANR-Water Rights Program, Joe Foss Bldg., Pierre, South Dakota.
- Water Rights. 2023f. Well Completion Reports. SD DANR-Water Rights Program, Joe Foss Bldg., Pierre, South Dakota.
- Permit Application Nos. 2855-2, 2856-2, 2857-2, 2858-2, 2859-2, 2860-2, 2861-2, 2862-2, & 2863-2



**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.**

February 15, 2023

Chad R Robison Living Trust
c/o Chad Robison
105 Medina Ave
Bertrand NE 68927

Dear Mr. Robison:

Your nine Water Permit Applications for irrigation use have been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice has been sent to the Bennett County Booster printed at Martin SD (Ph # 605 685-6866) and the Rapid City Journal printed at Rapid City SD (see attachment for contact number). You will need to contact the newspapers and authorize publication of this notice. For your information, a copy of the notice, the recommendations of the Chief Engineer and report on the applications 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 publisher has 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 applications.

Sincerely,

Karen Schlaak
Water Rights Program
(605) 773-3352

enclosures

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

NOTICE OF APPLICATIONS to Appropriate Water

Notice is given that Chad R Robison Living Trust, c/o Chad Robison, 105 Medina Ave, Bertrand NE 68927 has filed the following applications for water permits. Application No. 2855-2 proposes to appropriate 3.56 cubic feet of water per second (cfs) from two wells to be completed into the Arikaree Aquifer (250 to 450 feet deep) located in the approximate center of NW 1/4 and the SW 1/4 Section 12 for irrigation of 420 acres located in the W 1/2 Section 12 and NE 1/4 Section 13; all in T36N-R38W.

Application No. 2856-2 proposes to appropriate 1.78 cfs from one well to be completed into the Arikaree Aquifer (250-450 feet deep) located in the approximate center of the SE 1/4 Section 6 for irrigation of 140 acres located in the SE 1/4 Section 6; all in T36N-R37W.

Application No. 2857-2 proposes to appropriate 1.78 cfs from one well to be completed into the Arikaree Aquifer (250-450 feet deep) located in the E 1/2 SE 1/4 Section 1 for irrigation of 110 acres located in the E 1/2 SE 1/4 Section 1; all in T36N-R38W and the W 1/2 SW 1/4 (Lots 4 and 5) Section 6; all in T36N-R37W. The applicant is requesting a diversion rate greater than the statutory limit of 1 cfs per 70 acres.

Application No. 2858-2 proposes to appropriate 1.78 cfs from one well to be completed into the Arikaree Aquifer (250-450 feet deep) located in the approximate center of the NE 1/4 Section 7 for irrigation of 140 acres located in the NE 1/4 Section 7; all in T36N-R37W.

Application No. 2859-2 proposes to appropriate 1.78 cfs from one well to be completed into the Arikaree Aquifer (250-450 feet deep) located in the approximate center of the SE 1/4 Section 2 for irrigation of 60 acres located in the W 1/2 SE 1/4 Section 2; all in T36N-R38W. The applicant is requesting a diversion rate greater than the statutory limit of 1 cfs per 70 acres.

Application No. 2860-2 proposes to appropriate 1.78 cfs from one well to be completed into the Arikaree Aquifer (250-450 feet deep) located in the approximate center of the NW 1/4 Section 10 for irrigation of 140 acres located in the NW 1/4 Section 10; all in T36N-R37W.

Application No. 2861-2 proposes to appropriate 1.78 cfs from one well to be completed into the Arikaree Aquifer (250-450 feet deep) located in the approximate center of the SW 1/4 Section 34 for irrigation of 140 acres located in the SW 1/4 Section 34; all in T37N-R38W.

Application No. 2862-2 proposes to appropriate 1.78 cfs from one well to be completed into the Arikaree Aquifer (250-450 feet deep) located in the approximate center of the SW 1/4 Section 35 for irrigation of 140 acres located in the SW 1/4 Section 35; all in T37N-R38W.

Application No. 2863-2 proposes to appropriate 1.78 cfs from one well to be completed into the Arikaree Aquifer (250-500 feet deep) located in the approximate center of the NW 1/4 Section 11 to irrigate 140 acres located in the NW 1/4 Section 11; all in T36N-R38W. This is an existing system currently utilizing the well authorized by Water Right No. 1234-2. Water Right No. 1234-2 authorizes 2.17 cfs from one well located in the center of the NE 1/4 Section 11 for irrigation of 152 acres located in the NE 1/4 Section 11; all in T36N-R38W. The additional well will allow the two pivots to operate simultaneously and either of the wells may supply either of the pivots in the N 1/2 Section 11-T36N-R38W.

All of these applications are located approximately 5 miles south of Martin SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application Nos. 2855-2 thru 2863-2 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

recommendations with qualifications, the applications, 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 the applications or recommendations shall allege that the applications, 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 applications, or other matter concerning the applications 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 applications with BOTH the applicant and Chief Engineer. A petition opposing the applications 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 recommendations, the applicant shall also file a petition. A petition filed by either an interested person or the applicant must be filed by March 6, 2023.

The petition shall include a statement describing the unique injury upon approval of the applications on the petitioner, the petitioner's reasons for opposing the applications, 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 applications 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 March 6, 2023.

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

Published once at the total approximate cost of_

*** 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 54599

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

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

in said newspaper once each week for 1

successive week, the first publication there of being on the

22nd day of February, 20 23.

Kelly & Hanna

Section: Legal

Category: 0072 Public Notices

PUBLISHED ON: 02/22/2023

TOTAL AD COST: 149.66

FILED ON: 2/24/2023

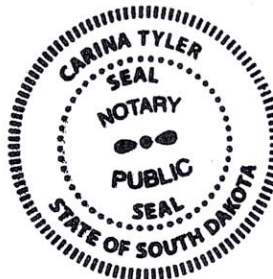
Subscribed and sworn to before me this

24 day of February, 20 23.

Carina Tyler Notary Public

My commission expires

May 18, 20 27



RECEIVED

MAR 01 2023

OFFICE OF
WATER

NOTICE OF APPLICATIONS to Appropriate Water

Notice is given that Chad R. Robison Living Trust, c/o Chad Robison, 105 Medina Ave, Bertrand NE 68927 has filed the following applications for water permits. Application No. 2855-2 proposes to appropriate 3.56 cubic feet of water per second (cfs) from two wells to be completed into the Arikaree Aquifer (250 to 450 feet deep) located in the approximate center of NW 1/4 and the SW 1/4 Section 12 for irrigation of 420 acres located in the W 1/2 Section 12 and NE 1/4 Section 13; all in T36N-R38W.

Application No. 2856-2 proposes to appropriate 1.78 cfs from one well to be completed into the Arikaree Aquifer (250-450 feet deep) located in the approximate center of the SE 1/4 Section 6 for irrigation of 140 acres located in the SE 1/4 Section 6; all in T36N-R37W.

Application No. 2857-2 proposes to appropriate 1.78 cfs from one well to be completed into the Arikaree Aquifer (250-450 feet deep) located in the E 1/2 SE 1/4 Section 1 for irrigation of 110 acres located in the E 1/2 SE 1/4 Section 1; all in T36N-R38W and the W 1/2 SW 1/4 (Lots 4 and 5) Section 6; all in T36N-R37W. The applicant is requesting a diversion rate greater than the statutory limit of 1 cfs per 70 acres.

Application No. 2858-2 proposes to appropriate 1.78 cfs from one well to be completed into the Arikaree Aquifer (250-450 feet deep) located in the approximate center of the NE 1/4 Section 7 for irrigation of 140 acres located in the NE 1/4 Section 7; all in T36N-R37W.

Application No. 2859-2 proposes to appropriate 1.78 cfs from one well to be completed into the Arikaree Aquifer (250-450 feet deep) located in the approximate center of the SE 1/4 Section 2 for irrigation of 60 acres located in the W 1/2 SE 1/4 Section 2; all in T36N-R38W. The applicant is requesting a diversion rate greater than the statutory limit of 1 cfs per 70 acres.

Application No. 2860-2 proposes to appropriate 1.78 cfs from one well to be completed into the Arikaree Aquifer (250-450 feet deep) located in the approximate center of the NW 1/4 Section 10 for irrigation of 140 acres located in the NW 1/4 Section 10; all in T36N-R37W.

Application No. 2861-2 proposes to appropriate 1.78 cfs from one well to be completed into the Arikaree Aquifer (250-450 feet deep) located in the approximate center of the SW 1/4 Section 34 for irrigation of 140 acres located in the SW 1/4 Section 34; all in T37N-R38W.

Application No. 2862-2 proposes to appropriate 1.78 cfs from one well to be completed into the Arikaree Aquifer (250-450 feet deep) located in the approximate center of the SW 1/4 Section 35 for irrigation of 140 acres located in the SW 1/4 Section 35; all in T37N-R38W.

Application No. 2863-2 proposes to appropriate 1.78 cfs from one well to be completed into the Arikaree Aquifer (250-500 feet deep) located in the approximate center of the NW 1/4 Section 11 to irrigate 140 acres located in the NW 1/4 Section 11; all in T36N-R38W. This is an existing system currently utilizing the well authorized by Water Right No. 1234-2. Water Right No. 1234-2 authorizes 2.17 cfs from one well located in the center of the NE 1/4 Section 11 for irrigation of 152 acres located in the NE 1/4 Section 11; all in T36N-R38W. The additional well will allow the two pivots to operate simultaneously and either of the wells may supply either of the pivots in the N 1/2 Section 11-T36N-R38W.

All of these applications are located approximately 5 miles south of Martin SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application Nos. 2855-2 thru 2863-2 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 recommendations with qualifications, the applications, 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 the applications or recommendations shall allege that the applications, 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 applications, or other matter concerning the applications 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 applications with BOTH the applicant and Chief Engineer. A petition opposing the applications 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 recommendations, the applicant shall also file a petition. A petition filed by either an interested person or the applicant must be filed by March 6, 2023.

The petition shall include a statement describing the unique injury upon approval of the applications on the petitioner, the petitioner's reasons for opposing the applications, 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 applications 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 March 6, 2023.

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

(Published February 22, 2022 for a total approximate cost of \$149.66 and may be viewed for free at www.sdpublicnotices.com)
Legal No: 54599

Affidavit of Publication

State of South Dakota

County of Bennett

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

February 22, 2023

That the full amount of the fee charged for the publication of the attached public notice, **\$86.14** 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 22 day of February, 2023.

Notary Public

My Commission Expires
December 9, 2027



Legal Notices

Notice of Applications to Appropriate Water

Notice is given that Chad R. Robison Living Trust, c/o Chad Robison, 105 Medina Ave, Bertrand NE 68927 has filed the following applications for water permits. Application No. 2855-2 proposes to appropriate 3.56 cubic feet of water per second (cfs) from two wells to be completed into the Arkaare Aquifer (250 to 450 feet deep) located in the approximate center of NW 1/4 and the SW 1/4 Section 12 for irrigation of 420 acres located in the W 1/2 Section 12 and NE 1/4 Section 13; all in T36N-R38W.

Application No. 2856-2 proposes to appropriate 1.78 cfs from one well to be completed into the Arkaare Aquifer (250-450 feet deep) located in the approximate center of the SE 1/4 Section 6 for irrigation of 140 acres located in the SE 1/4 Section 6; all in T36N-R37W.

Application No. 2857-2 proposes to appropriate 1.78 cfs from one well to be completed into the Arkaare Aquifer (250-450 feet deep) located in the E 1/2 SE 1/4 Section 1 for irrigation of 110 acres located in the E 1/2 SE 1/4 Section 1; all in T36N-R38W and the W 1/2 SW 1/4 (Lots 4 and 5) Section 6; all in T36N-R37W. The applicant is requesting a diversion rate greater than the statutory limit of 1 cfs per 70 acres.

Application No. 2858-2 proposes to appropriate 1.78 cfs from one well to be completed into the Arkaare Aquifer (250-450 feet deep) located in the approximate center of the NE 1/4 Section 7 for irrigation of 140 acres located in the NE 1/4 Section 7; all in T36N-R37W.

Application No. 2859-2 proposes to appropriate 1.78 cfs from one well to be completed into the Arkaare Aquifer (250-450 feet deep) located in the approximate center of the SE 1/4 Section 2 for irrigation of 60 acres located in the W 1/2 SE 1/4 Section 2; all in T36N-R38W. The applicant is requesting a diversion rate greater than the statutory limit of 1 cfs per 70 acres.

Application No. 2860-2 proposes to appropriate 1.78 cfs from one well to be completed into the Arkaare Aquifer (250-450 feet deep) located in the approximate center of the NW 1/4 Section 10 for irrigation of 140 acres located in the NW 1/4 Section 10; all in T36N-R37W.

Application No. 2861-2 proposes to appropriate 1.78 cfs from one well to be completed into the Arkaare Aquifer (250-450 feet deep) located in the approximate center of the SW 1/4 Section 34 for irrigation of 140 acres located in the SW 1/4 Section 34; all in T37N-R38W.

Application No. 2862-2 proposes to appropriate 1.78 cfs from one well to be completed into the Arkaare Aquifer (250-450 feet deep) located in the approximate center of the SW 1/4 Section 35 for irrigation of 140 acres located in the SW 1/4 Section 35; all in T37N-R38W.

Application No. 2863-2 proposes to appropriate 1.78 cfs from one well to be completed into the Arkaare Aquifer (250-500 feet deep) located in the approximate center of the NW 1/4 Section 11 to irrigate 140 acres located in the NW 1/4 Section 11; all in T36N-R38W. This is an existing system currently utilizing the well authorized by Water Right No. 1234-2. Water Right No. 1234-2 authorizes 2.17 cfs from one well located in the center of the NE 1/4 Section 11 for irrigation of 152 acres located in the NE 1/4 Section 11; all in T36N-R38W. The additional well will allow the two pivots to operate simultaneously and either of the wells may supply either of the pivots in the N 1/2 Section 11-T36N-R38W.

All of these applications are located approximately 5 miles south of Martin SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application Nos. 2855-2 thru 2863-2 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. This is an existing system currently utilizing the well authorized by Water Right No. 1234-2. The Chief Engineer's recommendations with qualifications, the applications, 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 the applications or recommendations shall file a written petition to oppose the applications with BOTH the applicant and Chief Engineer. A petition opposing the applications 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, Post 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 recommendations, the applicant shall also file a petition. A petition filed by either an interested person or the applicant must be filed by March 6, 2023.

The petition shall include a statement describing the unique injury upon approval of the applications on the petitioner, the petitioner's reasons for opposing the applications, 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 applications 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 comment a party of record or a participant in any hearing that may be held. Any comment must be filed by March 6, 2023.

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

Published once at the total approximate cost of \$86.14 and can be viewed free of charge at www.sdpublicnotices.com.
Published: February 22, 2023

Notice Of Forfeiture Of Capital Credits Golden West Telecommunications

CUSTOMER NAME(S)

Allen Store
Mike or Laura Hicks
Delbert B or Larena Walters
Peter or Mary Plenty Bull
Zona White Woman
Pass Creek CDC
John S Ward
Ed Riese
Daniel Richards
Gary or Andie Hines
Newton L Cummings
Tina or Colette Palmer
Our Lady Of The Sacred Heart Church
Paul Winter
Robert Fogg Jr
Patricia Bader
Candlelight Inn

You are hereby notified that you have failed to claim capital credits which you are entitled to receive for checks issued in 2016. You are further notified that, pursuant to SDCL 47-16-54, said capital credits will be forfeited to the Cooperative unless claimed by you, with proper evidence of ownership, within six months of the first publication of this notice, or no later than August 31, 2023.

For more information, call 1-855-888-7777.

Dated this February 16, 2023

By: /s/ Jeff Nielsen, President

ATTEST:

By: /s/ Tanner Handcock

Published once at the total approximate cost of \$28.47 and can be viewed free of charge at www.sdpublicnotices.com.
Published: February 22, 2023

South Dakota State Fair Announces Lady A to Play at 2023 State Fair

The South Dakota State Fair is pleased to announce Lady A is back and will perform at the SD State Fair Grandstand on Sunday, September 3.

Over the course of their decade-plus career, Lady A's Charles Kelley, Dave Haywood, and Hillary Scott, have become one of the 21st century's premier vocal groups, blending deeply felt emotions with classic Country sounds. As a country-radio staple, the trio has amassed record-breaking success ushering in 10 number one hits with more than 18 million album units and 34 million tracks sold and nearly 5 billion digital streams.

Known for their nine-time Platinum hit "Need You Now" the highest certified song by a Country group, they have earned ACM and CMA Vocal Group of the Year trophies three years in a row and countless other honors including five GRAMMY awards. Other Lady A hits include "Love Don't Live Here", "Lookin' for a Good Time", "I Run to You", "American Honey" and "Downtown".

Joining Lady A will be South Dakota's own Rowan Grace, fresh off her top ten finale on The Voice.

"We're excited to welcome Lady A to the grandstand stage," says Peggy Besch, SD State Fairgrounds Manager. "Bringing this caliber of entertainment to the fair raises the excitement level, and any time we get the

opportunity to showcase South Dakota talent like Rowan Grace, it's a win for everyone."

Presales begin on June 5 for those eligible for the Friends of the Fair VIP table presale, followed by backrest holder and Friends of the Fair ticket presales. General public ticket sales will begin June 20. Friends of the Fair is a program through the State Fair Foundation offering a variety of benefits including early bird access to State Fair VIP table sales, presale access to grandstand reserved seating, and standing room tickets for the State Fair, complimentary daily gate admission passes, and recognition on the State Fair website. The backrest program is an advertising program allowing businesses or individuals to put signage on a backrest in the grandstands. Backrest signage holders can purchase South Dakota State Fair grandstand tickets for their corresponding signage area prior to general and Friends of the Fair ticket sales. Presale information can be found on www.sdstatefair.com.

The 2023 South Dakota State Fair will run from Thursday, August 31, through Monday, September 4. Channel Seeds Preview night will be Wednesday, August 30. For more information on State Fair events, contact the Fair office at 800-529-0900, visit www.sdstatefair.com or find them on Facebook, Instagram and Twitter.

"I cannot teach anybody anything, I can only make them think."
- Socrates

Partner with Native American children and families to educate for life - Mind, Body, Heart and Spirit.
Join our family at St. Joseph's Indian School

Full-time regular positions available:

SPED Teacher - Responsible for the instruction of students, organization of instructional lessons, and implementation of the education curriculum. The position is also responsible for paperwork specific to the SPED program. This is a full-time contract position.
Houseparents - Create a family-oriented environment and care for children in our campus homes. This is a full-time contract position with summers off.
Family Service Counselor - The Family Service Counselor is responsible for student counseling, providing communication between St. Joseph's Indian School and the family and/or guardian for each student, and coordination of services in an effort to meet the individual needs of the child. This is a year-round, exempt position.

Full-time regular positions include
Benefits Beyond your
Expectations & Competitive Pay!
To make a difference,
call 605-234-3275
or email apply@stjo.org EOE

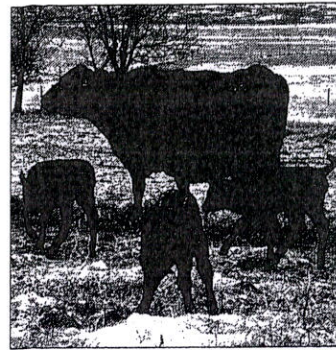


Photo by Taylor Risse

Calves were feeling good over the weekend with the 40+ degree temperatures. Running and bucking around is a good sign when calves are on the ground!

You can get along without electricity and advertising...
BUT WHY TRY?
Bennett County Booster 685-6866
booster@gwtc.net

Help Wanted

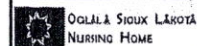
The City of Mission is hiring a full-time Assistant Finance Officer.

Applicant must be at least 18 years of age with a high school diploma or GED. Salary range is D.O.E. Benefits include health insurance, retirement, paid sick and vacation leave. Requirements are as follows:

- Proficiency in Microsoft Word and Excel.
- Experience in accounting.
- A strong work ethic and must be reliable
- Valid SD drivers license

Contact the City of Mission for application and job description at (605) 856-4499, or email missionchamber@gwtc.net.

Closing date is March 13, 2023.



Help Wanted

The Oglala Sioux Lakota Nursing Home is currently seeking an MDS Coordinator.

Starting Wage: \$37/hr.

Opening Date: 2/14/23 • Closing Date: Until position is filled
The MDS Coordinator is responsible for the following duties:
Serve as a Clinical Resource to all members of the management team by being involved in the initial assessments of all residents, effectively evaluating their needs, and assuring that all clinical records reflect optimum services to be provided.
Determine when all Admit, Quarterly, and Annual Minimum Data Sets (MDS) are due and notify appropriate departments of the due dates. Determine when there is a need for a Significant Change in Condition MDS and notifies departments of the due dates. Primarily responsible for the care plans of all residents.
Complete the sections of the MDS Nursing Department and sign off MDS's when assessment is completed according to mandated timetable. Complete Care Area Assessments (CAA) according to the guidelines and mandated timetable.
Create Plan of Care for new admissions and update Plans of Care with interdisciplinary team according to timetable. Enter and submit to the state RA's according to mandated timetable.

Qualifications
MDS: 1 year (Preferred)
RN (Required): Good standing and licensed with applicable State Board of Nursing.
Utilization review: 1 year (Preferred)
Benefits:
Dental Insurance
Vision Insurance
Medical Insurance
Life Insurance, our company pays for a 15k policy for all new Full-time hires.
401k Plan, our company matches at 4%
Paid Time Off
Bicycle Mileage if you live outside of Pine Ridge, SD.
Employee Assistant Program

Applications are available on our website oslnh.com or you can call (605) 662-4020 and we will gladly bring you out an application as well as allowing unscheduled visitors into our facility.

We do require two forms of identification, your blood degree if you are claiming native preference, and your high school diploma.

WANTED

The City of Mission is hiring Police Officers.

Applicants must be at least 21 years of age with a high school diploma or GED, and certified or be able to be certified through the State of South Dakota Law Enforcement Training Center within one year of hire. Salary range D.O.E. Benefits include health insurance, retirement, paid sick and vacation leave.

Contact the City of Mission for application and job description at (605) 856-4499 or email missionchamber@gwtc.net.

Closing date March 13, 2023.
Interviews will be Feb 15, 2023 for selected applicants.

Schlaak, Karen

From: Schlaak, Karen
Sent: Wednesday, November 30, 2022 4:47 PM
To: robisonchad17@gmail.com
Subject: water permit applications

Chad,
Received your three applications. My quick review found that the application for Section 35 didn't include the Form 2A (form with the well information).

On the maps, the proposed well location needs to be marked with an "X".

On each of the applications you requested 1000 gallons per minute (gpm) which is greater than the statutory limit of 1 cubic feet per second (cfs) per 70 acres. The statutory limit for 140 acres is 2 cfs or 900 gpm. It is possible to apply for a greater rate than 1 cfs per 70 acres but typically a low pressure pivot can operate in the 700-800 gpm range. If you request 900 gpm there is would be no need to justify a greater amount if you don't need the greater amount.

The application/license fee for each application will be \$1,050.00 or a total of \$3,150.00.

I will be out of the office until next Monday, December 5th. If you have any questions, let me know and I will get back to you then.

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



*Chad called
change each app to
800 gpm each
approximate center location
is for wells.*



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

MAR 27 2023

Chad R Robison Living Trust
105 Medina Ave
Bertrand, NE 68927

Dear Mr. Robison:

Enclosed are Water Permit Nos. 2855-2, 2856-2, 2857-2, 2858-2, 2859-2, 2860-2, 2861-2, 2862-2, 2863-2 authorizing construction of your water diversion systems and beneficial use of the water, not exceeding the limits as specified in the Water Permits.

Form 10's, Notice of Completion of Works and Application of Water to Beneficial Use, are enclosed. Please return the completed forms after you have finished the systems and have put the water to beneficial use. An investigation can then be scheduled so the water licenses may be issued, thus completing the acquisition of a water right.

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

Sincerely,

Eric Gonlund, 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.: 2862-2

Name of Applicant: Chad R Robison Living Trust, Chad Robison

Date of Posting: 2/22/2023

Date of Removal: 3/27/2023

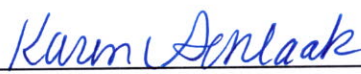


Ron Duvall, Water Rights Permitting Administrator

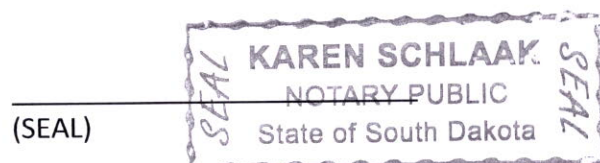
3/27/23

Date

Subscribed and sworn to before me, a notary public, this 27th day of March, 2023.



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





DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES
JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

January 19, 2024

NOTICE

TO: CHAD R ROBISON LIVING TRUST, 10316 738TH RD, BERTRAND, NE 68927

FROM: Ron Duvall, Engineer III
for Eric Gronlund, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2023 Irrigation Questionnaire(s)

Our records indicate your 2023 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 1234-2, 1235-2, 1327-2, 1414-2, 1941A-2, 2859-2, 2855-2, 2856-2, 2857-2, 2858-2, 2860-2, 2861-2, 2862-2, 2863-2. The request for the Questionnaire was dated October 20, 2023. The Water Management Board has directed owners of water permits who have not submitted the 2023 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 1234-2, 1235-2, 1327-2, 1414-2, 1941A-2, 2859-2, 2855-2, 2856-2, 2857-2, 2858-2, 2860-2, 2861-2, 2862-2, 2863-2 qualification:

"This permit is approved subject to the Irrigation Water Use Questionnaire being submitted each year."

The hearing will be held at **Wednesday, March 6, 2024 at 9:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 1234-2, 1235-2, 1327-2, 1414-2, 1941A-2, 2859-2, 2855-2, 2856-2, 2857-2, 2858-2, 2860-2, 2861-2, 2862-2, 2863-2 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

If the questionnaire(s) is (are) received in this office before the **March 6, 2024** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Amanda Dewell at (605) 773-3352 or email at amanda.dewell@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://danr.sd.gov/iq> using this password: JUGHAZ**

NOTE: Please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

January 31, 2024

1234-2, 1235-2, 1327-2, 1414-2,
1941A-2, 2859-2, 2855-2,
2856-2, 2857-2, 2858-2, 2860-2,
2861-2, 2862-2, 2863-2

Chad R Robison Living Trust
10316 738th Rd
Bertrand NE 68927

Dear Mr. Robison:

I am writing to acknowledge the receipt of your 2023 irrigation questionnaire(s).

You may disregard the January 19, 2024, "Notice" concerning the reporting requirements for Water Permit No(s). 1234-2, 1235-2, 1327-2, 1414-2, 1941A-2, 2859-2, 2855-2, 2856-2, 2857-2, 2858-2, 2860-2, 2861-2, 2862-2 & 2863-2. The information was received prior to the March 6, 2024, Water Management Board meeting and these permit numbers have been removed from the agenda.

If you have any questions, please contact me.

Sincerely,

Amanda Dewell
Water Rights Program
605 773-3352
Amanda.Dewell@state.sd.us



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**
JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

January 14, 2025

NOTICE

TO: CHAD R ROBISON LIVING TRUST, 10316 738TH RD, BERTRAND, NE 68927

FROM: Ron Duvall, Engineer III
for Eric Gronlund, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2024 Irrigation Questionnaire(s)

Our records indicate your 2024 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 1234-2, 1235-2, 1327-2, 1414-2, 1941A-2, 2859-2, 2855-2, 2856-2, 2857-2, 2858-2, 2860-2, 2861-2, 2862-2, 2863-2. The request for the Questionnaire was dated October 23, 2024. The Water Management Board has directed owners of water permits who have not submitted the 2024 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 1234-2, 1235-2, 1327-2, 1414-2, 1941A-2, 2859-2, 2855-2, 2856-2, 2857-2, 2858-2, 2860-2, 2861-2, 2862-2, 2863-2 qualification:

"This permit is approved subject to the Irrigation Water Use Questionnaire being submitted each year."

The hearing will be held on **Wednesday, March 5, 2025, at 9:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 1234-2, 1235-2, 1327-2, 1414-2, 1941A-2, 2859-2, 2855-2, 2856-2, 2857-2, 2858-2, 2860-2, 2861-2, 2862-2, 2863-2 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

If the questionnaire(s) is (are) received in this office before the **March 5, 2025**, hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Amanda Dewell at (605) 773-3352 or email at amanda.dewell@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://danr.sd.gov/iq> using this password: SKYVEK**

NOTE: Please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

February 10, 2025

1234-2, 1235-2, 1327-2, 1414-2
1941A-2, 2859-2, 2855-2, 2856-2
2857-2, 2858-2, 2860-2
2861-2, 2862-2, 2863-2

Chad R Robison Living Trust
10316 738th Rd
Bertrand NE 68927

Dear Mr. Robison:

I am writing to acknowledge the receipt of your 2024 irrigation questionnaire(s).

You may disregard the January 14, 2025, "Notice" concerning the reporting requirements for Water Permit No(s). 1234-2, 1235-2, 1327-2, 1414-2, 1941A-2, 2859-2, 2855-2, 2856-2, 2857-2, 2858-2, 2860-2, 2861-2, 2862-2, 2863-2. The information was received prior to the March 5, 2025, Water Management Board meeting and the above listed permit number(s) have been removed from the agenda.

If you have any questions or concerns, please contact me.

Sincerely,

Amanda Dewell
Permitting Administrator
Water Rights Program
605 773-3352
Amanda.Dewell@state.sd.us



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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PIERRE SD 57501-3182
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January 20, 2026

NOTICE

TO: CHAD R ROBISON LIVING TRUST, JOEY ROBISON, MGR, 10225 738TH RD,
BERTRAND, NE 68927

FROM: Ron Duvall, Engineer III
for Adam Mathiowetz, PE, Acting Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2025 Irrigation Questionnaire(s)

Our records indicate your 2025 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 1234-2, 1235-2, 1327-2, 1414-2, 1941A-2, 2859-2, 2855-2, 2856-2, 2857-2, 2858-2, 2860-2, 2861-2, 2862-2, 2863-2. The request for the Questionnaire was dated October 8, 2025. The Water Management Board has directed owners of water permits who have not submitted the 2025 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 1234-2, 1235-2, 1327-2, 1414-2, 1941A-2, 2859-2, 2855-2, 2856-2, 2857-2, 2858-2, 2860-2, 2861-2, 2862-2, 2863-2 qualification:

"This permit is approved subject to the Irrigation Water Use Questionnaire being submitted each year."

The hearing will be held on **Wednesday, March 4, 2026 at 9:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 1234-2, 1235-2, 1327-2, 1414-2, 1941A-2, 2859-2, 2855-2, 2856-2, 2857-2, 2858-2, 2860-2, 2861-2, 2862-2, 2863-2 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

If the questionnaire(s) is (are) received in this office before the **March 4, 2026** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Shannon Konst at (605) 773-3352 or email at shannon.konst@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://danr.sd.gov/iq> using this password: LDMHQT**

CHAD ROBISON, 10316 738TH RD, BERTRAND NE 68927

NOTE: Please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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PIERRE SD 57501-3182
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February 06, 2026

Robinson Living Trust
C/O Joey Robinson, MGR
10225 738th Rd
Bertrand, NE 68927

2863-2
1941A-2
1235-2
1327-2
1414-2
2855-2
2856-2
2861-2
2860-2
2859-2
2858-2
2857-2
2862-2
1234-2

Dear Mr. Robison,

I am writing to acknowledge receipt of your 2025 irrigation questionnaire(s).

You may disregard the January 20, 2026, "Notice" concerning irrigation reporting requirements for your water permit/right(s). The information was received in our office prior to the Water Management Board meeting, and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

Shannon Konst
Water Rights Program
605 773-8204
Shannon.konst@state.sd.us