

WATER PERMIT NO. 8614-3

Name of Applicant: Lewis & Clark Regional Water System

Address: 46986 Monty St, Tea SD 57064 Phone: 605 368-2400

Amount of Water Claimed: no add'l Total Acres: NA

Source of Water Supply: groundwater

Water to be used for: rural water system use County: Clay

Type of Waste Disposal System:

Location:

PRIORITY Date Received: 3-4-22 Application/License Fee: \$ 6,350

Corrected Application Received: Period of Annual Use: Jan 1 – Dec 31

Remarks:

Diversion Point: W 1/2 Sec 15, W 1/2 Sec 22 and
NE 1/4 NW 1/4 Sec 27; all in T32N-R4E

Land to be Irrigated: NA

Depth of Well:

Well Driller:

Remarks:

Type of Map: aerial

Prepared by:

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

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____

**SOUTH DAKOTA
WATER PERMIT NO. 8614-3**

Date of first receipt of application March 4, 2022.

Date of return to applicant for corrections, amendments, or changes March 16, 2022.

Date of receipt of corrected application October 4, 2022.

The Water Management Board approved Water Permit No. 8614-3 on March 8, 2023 for Lewis & Clark Regional Water System, Troy Larson, 46986 Monty Street, Tea SD 57064 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. 8614-3 increases the annual volume of water by an additional 8,277 acre-feet annually from the existing Missouri Elk Point Aquifer well field located in N 1/2 (within Parcels X, Y, and Z except Lots H1 and except that part of Parcel Z, E of Lot H1) Sec. 15, W 1/2 (within Brewer Lot 1 and Blickle Lot 1) Sec. 22 and W 1/2 (within Brewer Lot 1 and Lot 2) Sec. 27; all in T32N-R4E of the 6th Prime Meridian (PM) commonly referred to as the Nebraska Survey. The water is for rural water system use in the counties of Turner, Lincoln, Minnehaha, Clay, McCook, Union, and Lake Counties in South Dakota; Lyon, Sioux, Osceola, and O'Brien Counties in Iowa; Rock and Nobles Counties in Minnesota. The well field is located approximately three miles southwest of Vermillion SD.
2. The water appropriated shall be used for the purpose of rural water system 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: January 1 – December 31.
4. The date from which applicant may claim right is October 4, 2022.
5. One-fifth of the construction is to be completed on or before September 8, 2025.
6. All construction is to be completed on or before March 8, 2028.
7. Water is to be put to beneficial use on or before March 8, 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 wells approved under Water Permit Nos. 6736-3, 7207-3, 8613-3, and also authorized for use under this Permit are 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 Missouri Elk Point aquifer.
3. Water Permit No. 8614-3 authorizes a total annual diversion of up to 8,277 acre-feet of water.

WATER MANAGEMENT BOARD

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

APR 19 2023
date



SD EForm - 1585LD V5

FORM 2: Application for uses other than irrigation

(type or print)

Mail to: DENR - Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. <u>8614-3</u> (office use only) Hydrologic Unit <u>10170101</u>
	Basin <u>Missouri River</u>
	Newspaper <u>see list</u>

RECEIVED

MAR 04 2022

WATER RIGHTS
PROGRAM

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

Check use(s) of water:

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

Type of Application:
(check one)

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

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

- Name to Appear on Water Permit Lewis & Clark Regional Water System
Mailing Address 46986 Monty Street Tea SD 57064
(Address) (City) (State) (Zip Code)
Phone 605.368.2400 Mobile _____ Email _____
- Amount of water claimed 77.61 *CFS or 34,833 **GPM and 8,277 ***AF or _____ Gallons
Flow rate and volume are both required. (*Cubic Feet per Second) (**Gallons per Minute) (***Acre Feet - storage capacity of dam/dugout or annual use)
- Source of water supply Missouri: Elk Point Aquifer
- Location of point of diversion See Attachment County Clay
(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 Turner, Lincoln, Minnehaha, Union, Lake, Clay, McCook.
- Annual period during which water is to be used January 1 - December 31
- 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)

Water will be used for the 44.19 MGD base system of the Lewis & Clark Regional Water System that serves twenty public water systems in South Dakota (counties of Turner, Lincoln, Minnehaha, Clay, McCook, Union, and Lake), Iowa (counties of Lyon, Sioux, O'Brien, and Osceola), and Minnesota (counties of Rock and Nobles).

I, Troy Larson Executive Director, L&C RWS, 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.

2015-10

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 1 Have test holes been drilled ☐ Yes ☐ No Drilled by _____
(if yes, please provide copies of logs)

b) If existing wells, how many 11 Provide copy of log(s), if available. Drilled by _____

For either Existing or Proposed Wells: [Please see the attached information.](#)

c) Well Depth (required) _____ 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 _____

2. Wastewater Disposal System Information

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

b) System Capacity (gallons) _____ Year Constructed _____

c) Connected to the City of _____ Sanitary System

3. Dugout Information

a) Surface Dimensions _____ Depth _____

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

4. Water Storage Dams

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

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

b) Freeboard _____

c) Crest Width _____

Crest Length _____

d) Height _____

e) Primary Outlet Capacity _____

If pipe, diameter _____

f) Secondary Spillway Capacity _____

Spillway Width _____

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

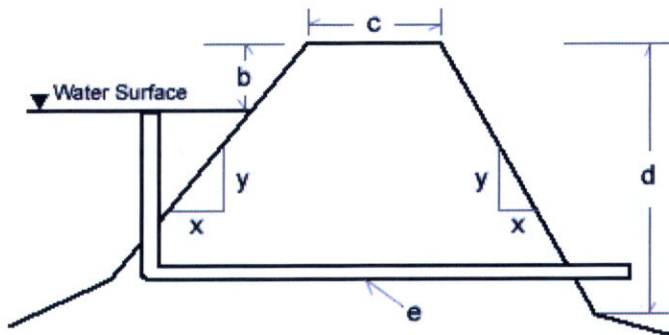
Upstream _____

Downstream _____

h) Surface Area of Impoundment _____

i) Storage _____ Acre Feet

j) Drainage Area Above Dam _____ Acres



Turner x✓ New Era, Parker (Thurs)
297-4419

Lincoln x✓ Sioux Valley News, Canton (Thurs)
764-2000

Minnehaha x✓ Argus Leader
331-2200

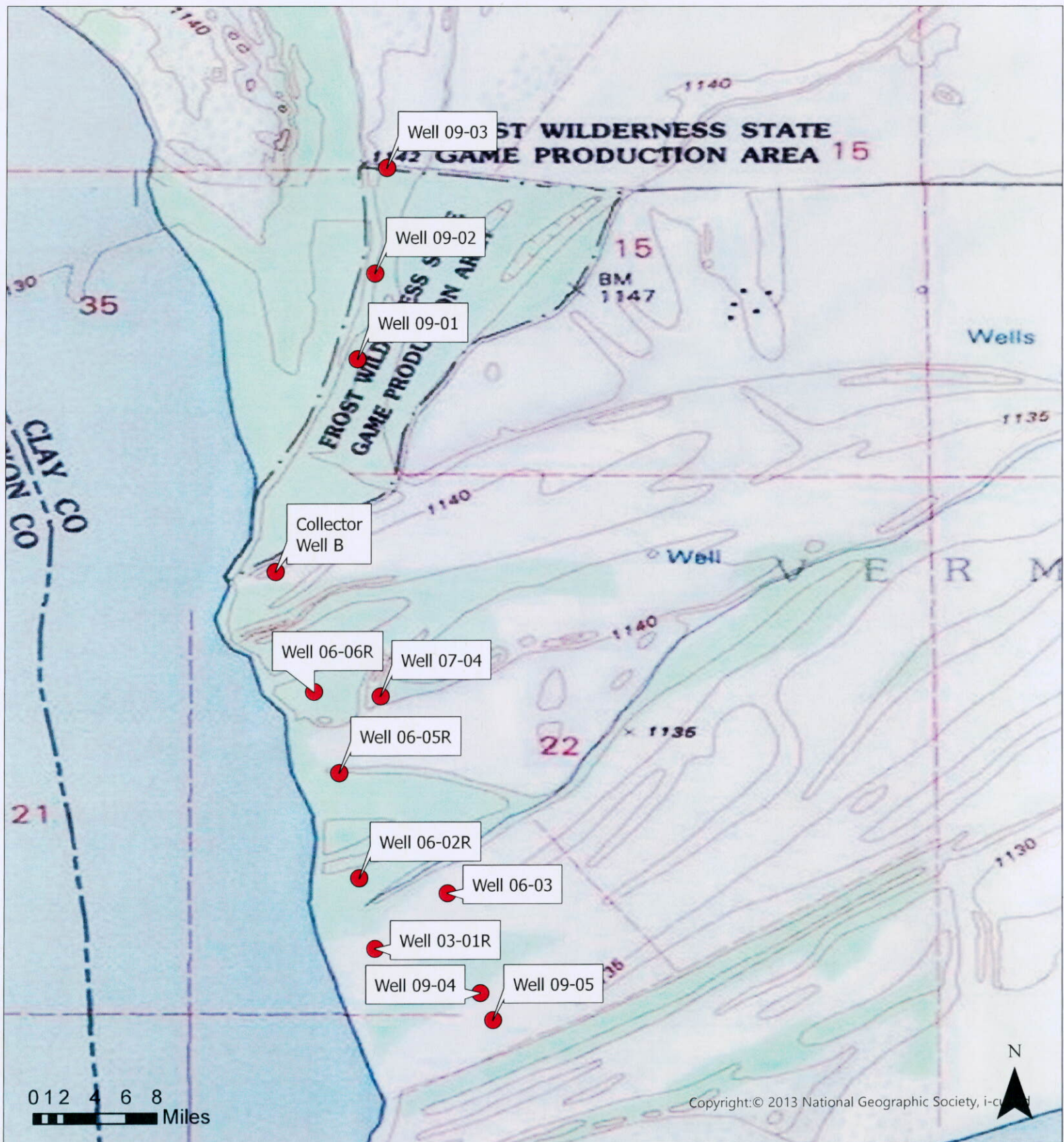
↑
✓
August
aft
11/30/23

Union x✓ Leader-Courier, Elk Point (Thurs)
356-2632

Lake x✓ Daily Leader, Madison
256-4555

Clay x✓ Plain Talk, Vermillion (Fri)
624-2695

McCook x✓ The Special, Salem (Thurs)
425-2361



Lewis & Clark Regional Water System

Well Locations
Clay County, South Dakota

Esri, NASA, NGA, USGS, Nebraska Game & Parks Commission, South Dakota Game Fish and Parks, Esri Canada, Esri, HERE, Garmin, SafeGraph, FAO, METI/NASA, USGS, EPA, NPS

Lewis & Clark Regional Water System

Table 1. Well Locations

Well Site	Well Number	Lat/Long	Legal Description
A	09-01	42.745311, -96.952728	Clay County, South Dakota Section 15, Township 32 North, Range 4 East of the 6 th PM
	09-02	42.747675, -96.952261	
	09-03	42.750522, -96.951953	
B	Collector B	42.739653, -96.954906	Clay County, South Dakota Section 22, Township 32 North, Range 4 East of the 6 th PM
C	06-05R	42.734233, -96.953178	
	06-06R	42.736414, -96.953864	
	07-04	42.736289, -96.952072	
D	03-01R	42.729500, -96.952208	
	06-02R	42.731406, -96.952639	
	06-03	42.730994, -96.950261	
E	09-04	42.728297, -96.949372	Clay County, South Dakota Section 27, Township 32 North, Range 4 East of the 6 th PM
	09-05	42.727564, -96.949025	

Lewis & Clark Regional Water System

Table 2. Pump Rates

Well Site	Well Number	Maximum Recommended Rate (GPM)	Maximum Recommended Rate (MGD)	Maximum Recommended Rate (CFS)
A	09-01	1,571	2.26	3.50
	09-02	1,826	2.63	4.07
	09-03	1,414	2.04	3.15
B	Collector B	3,704	5.33	8.25
		3,704	5.33	8.25
		3,704	5.33	8.25
		4,167	6.00	9.28
C	06-05R	2,325	3.35	5.18
	06-06R	2,325	3.35	5.18
	07-04	2,262	3.26	5.04
D	03-01R	2,034	2.93	4.53
	06-02R	2,313	3.33	5.15
	06-03	2,213	3.19	4.93
E	09-04	864	1.24	1.93
	09-05	408	0.59	0.91
Total		34,833	50.16	77.61
Total Firm		30,666	44.16	68.33

RECEIPT

WATER RIGHTS PROGRAM South Dakota Department of Agriculture and Natural Resources

Date March 21, 2022

RECEIVED OF Lewis & Clark Regional Water System 46986 Monty Street Tea SD 57064

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

Fee for Application for Permit No. <u>8614-3</u> to Appropriate Water, to construct and to put water to beneficial use	\$ <u>6150.00</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>8614-3</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>6350.00</u>

By Eric Gronlund
Chief Engineer
um

Gronlund, Eric

From: Becky Baker <beckyb@bannerassociates.com>
Sent: Thursday, January 5, 2023 10:25 AM
To: Gronlund, Eric
Cc: Troy Larson (tlarson@lcrws.org); Jim Auen (jauen@lcrws.org); Kristin Bisgard
Subject: FW: [EXT] Lewis & Clark RWS

Good morning Eric,

Thank you for catching Banner's mistake and apologies for the changing numbers during this process. We used a conversion factor that accommodated for leap year. The first table shows the difference in day/year assumption between SDDANR and Banner. Below shows the change in our spreadsheet, and how our number now align with yours.

Based on your email of January 3, 2023, we would like to proceed with revising our current pending water right application. Currently, we are requesting 7.42 MGD, and upon further review, this number was based utilizing 365.25 days a year to accommodate leap years. We have recalculated using 365 days and would like to revise our application to match the numbers you suggested, requesting 8,277 acre-feet/year (7.39 MGD) for this application.

The 7.39 MGD (8,277 acre-feet/year) will bring L&C water rights to a total of 47.71 MGD (53,442 acre-feet/year) in line with the capacity requirements for the 45 MGD base system.

Will this email suffice for revising the application or would do you need a revised application or letter? Appreciate your guidance.

SDDANR	
Gal/CuFt	7.4805
CuFt/Ac-Ft	43560.0000
Day/Yr	365.0000
MGD	47.71
Ac-Ft/Yr	53442.13
App Ac-Ft/Yr	8277.13
Banner	
Gal/CuFt	7.4800
CuFt/Ac-Ft	43560.0000
Day/Yr	365.2500
MGD	47.71
Ac-Ft/Yr	53482.31
App Ac-Ft/Yr	8317.31

Revised (Rounded)- January 2023	MGD	Max MGD	(cfs)	AF/Y	Short AF/Y	Addl MGD	Addl AF
Current System	40.32	50.16	77.61	45165	-	-	-
Revised Water Rights Application	47.71	51.06	73.82	53442	8277	7.39	8

Thanks!

Becky Baker | Environmental Department Head

Banner Associates, Inc. | Sioux Falls, SD
Tel | 605.690.2190 Toll Free | 1.855.323.6342
www.bannerassociates.com

From: Gronlund, Eric <Eric.Gronlund@state.sd.us>
Sent: Wednesday, January 4, 2023 9:02 AM
To: Troy Larson <tlarson@lcrws.org>; Becky Baker <beckyb@bannerassociates.com>
Subject: FW: Lewis & Clark RWS

Troy / Becky

Seek minor clarification on the amount of water claimed by the application currently being processed by the Water Rights Program. The current application is for 8,318 ac-ft/yr (7.42 MGD).

LCRWS currently has 45,165 ac-ft/yr (40.32 MGD) under permit.

The highlighted section from Troy's September 29th email indicates to account for treatment and line losses, LCRWS needs a total of 47.71 MGD which equates to 53,442 ac-ft/yr.

53,442 ac-ft/yr minus the existing 45,165 ac-ft/yr = 8,277 ac-ft/yr (7.39 MGD). This is 41 ac-ft/yr (0.03 MGD) less than the requested amount of 8,318 ac-ft/yr in the application.

I recognize this is a small amount in perspective to the total amount LCRWS seeks to have permitted. Inquiring as the discrepancy was discovered during peer review of the draft report on the application.

Thanks - Eric

From: Troy Larson <tlarson@lcrws.org>
Sent: Thursday, September 29, 2022 10:28 AM
To: Gronlund, Eric <Eric.Gronlund@state.sd.us>
Cc: Becky Baker <beckyb@bannerassociates.com>; Kristin Bisgard <kristinb@bannerassociates.com>; Leslie Murphy <lesliem@bannerassociates.com>; Jim Auen <jauen@lcrws.org>
Subject: [EXT] Lewis & Clark RWS

Eric,

Thanks for taking the time to meet with us by video later this afternoon. I'm sending this email to hopefully save us some time, as well as create a paper trail for your records.

Based on Banner's calculations, in the attached letters I indicate the 6.14 MGD will allow us to provide firm capacity of 44.19 MGD for our base system. See the fifth paragraph of the Feb. 18 letter and the second paragraph of the March 4 letter.

It came to my attention last week that there was an error in Banner's calculation because daily peak daily numbers were used instead of 365 days. In Banner's defense I understand most systems focus on the daily peak, but we need to focus on 365 days because the reserved capacities of our members is defined. Other systems don't have that. Consequently, in addition to our pending application for 6.14 MGD **we need another 1.28 MGD of water rights in order to provide firm capacity of 44.19 MGD for our base system for 365 days; total of 7.42 MGD.** Our assumption is we should amend our pending application, but we want your feedback on that.

Secondly, both letters indicate we need a total of 51.06 MGD in water rights in order to provide firm capacity of 44.19 MGD. During our discussions about the topic above, Jim Auen pointed out we were shooting for the

wrong target since 51.06 MGD represents our total well capacity, not our firm capacity with one well out of service.

Accounting for treatment loss and line loss, **we need a total of 47.71 MGD of water rights (365) in order to deliver 44.19 MGD of firm base capacity (365)**. We first thought the error above would require another 4.63 MGD of water rights to get us to 51.06 MGD, but through Jim's epiphany we realized we're only 1.28 MGD short since we were aiming for the wrong target.

We regret having to make this change in our water rights application and apologize for any inconvenience, but the good news the fix to the problem is much smaller than we originally thought. Looking forward to your feedback on how best to proceed.

Lastly, we'd also like visit about the future 17.07 MGD application we need to make for the expansion capacity, which will need to go before the Legislature in 2024. Hopefully the study that I understand will be finalized soon will shed some favorable light as to the prospects for this application.

*Troy Larson
Executive Director
Lewis & Clark Regional Water System
605-368-2400 office
605-310-0560 cell*

Gronlund, Eric

From: Gronlund, Eric
Sent: Wednesday, January 4, 2023 9:02 AM
To: 'Troy Larson'; Becky Baker
Subject: FW: [EXT] Lewis & Clark RWS

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Sent: Thursday, September 29, 2022 10:28 AM
To: Gronlund, Eric <Eric.Gronlund@state.sd.us>
Cc: Becky Baker <beckyb@bannerassociates.com>; Kristin Bisgard <kristinb@bannerassociates.com>; Leslie Murphy <lesliem@bannerassociates.com>; Jim Auen <jauen@lcrws.org>
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*Troy Larson
Executive Director
Lewis & Clark Regional Water System
605-368-2400 office
605-310-0560 cell*

Duvall, Ron

From: Leslie Murphy <lesliem@bannerassociates.com>
Sent: Wednesday, March 16, 2022 1:29 PM
To: Duvall, Ron; Troy Larson (tlarson@lcrws.org)
Cc: Clinton Koehn; Jim Auen (jauen@lcrws.org); Kristin Bisgard; Becky Baker; Gronlund, Eric; Schlaak, Karen
Subject: RE: [EXT] Lewis & Clark - Water Right Application - 6.14 MGD

Hi Ron.

I've talked with Troy, and we do not have any issues with your proposed changes. Let us know if you need anything else.

Thanks!

Leslie

From: Duvall, Ron <Ron.Duvall@state.sd.us>
Sent: Wednesday, March 16, 2022 10:20 AM
To: Leslie Murphy <lesliem@bannerassociates.com>; Troy Larson (tlarson@lcrws.org) <tlarson@lcrws.org>
Cc: Clinton Koehn <ckoehn@lcrws.org>; Jim Auen (jauen@lcrws.org) <jauen@lcrws.org>; Kristin Bisgard <kristinb@bannerassociates.com>; Becky Baker <beckyb@bannerassociates.com>; Gronlund, Eric <Eric.Gronlund@state.sd.us>; Schlaak, Karen <Karen.Schlaak@state.sd.us>
Subject: RE: Lewis & Clark - Water Right Application - 6.14 MGD

Troy and Leslie,

First, thank you for sending an updated map showing the well locations along with lat/long coordinates. Aside from the new collector well B, it appears all the other existing wells are covered by Permit Nos. 6736-3 and 7207-3.

I have looked over both applications and would like to make the following modifications with your permission:

- On the application to place 13,000 AF to use reserved under Future Use Permit Nos. 6869A-3 and 7208-3, in Item No. 2 on the application, I would like to replace the gallons per minute figure on the application (8,054 gpm – which was derived from the pump rate needed to divert 13,000 AF) with the 29.76 cfs needed to get the pump rate increased from the current permitted rate of 47.85 cfs to the planned pump rate capacity of 77.61 cfs (this change is consistent with the cover letter provided with the application). In Item No. 4, I would like to specifically mention collector well B as being an additional diversion (pumping) point.
- In Item 2 on the application to add 6,882 AF, I would like to replace the references of 77.61 cfs/34,833 gpm with “no additional” diversion rate. Your diversion rate is already covered by your existing permits, plus as outlined in the above application, so this application will be strictly for an increase in the annual volume by an additional 6,882 AF.

The application/license fees for each application are as follows:

- To place 13,000 AF to use and add collector well B – \$11,450.00 + \$200.00 (license fee) = \$11,650.00
- To add 6,882 AF - \$6,350.00 (there is no license fee needed since no additional works are being constructed)

Please let me know if the above changes are acceptable. If you have any questions, please let me know.

Thank you,

Ron Duvall
Dept. of Agriculture & Natural Resources
Office of Water, Water Rights Program
605.773.3352
danr.sd.gov



DANR
SOUTH DAKOTA

From: Leslie Murphy <lesliem@bannerassociates.com>
Sent: Friday, March 4, 2022 11:52 AM
To: Gronlund, Eric <Eric.Gronlund@state.sd.us>; Duvall, Ron <Ron.Duvall@state.sd.us>
Cc: Troy Larson (<tlarson@lcrws.org>) <tlarson@lcrws.org>; Clinton Koehn <ckoehn@lcrws.org>; Jim Auen (<jauen@lcrws.org>) <jauen@lcrws.org>; Kristin Bisgard <kristinb@bannerassociates.com>; Becky Baker <beckyb@bannerassociates.com>
Subject: [EXT] Lewis & Clark - Water Right Application - 6.14 MGD

Good Morning, Eric.

Attached is a water right application requesting the consideration of the appropriation of 6.14 MGD for the Lewis & Clark Regional Water System. In combination with existing rights and the exercising of the future use rights, this amount would bring the appropriation amount in line with the capacity requirements of the base system.

Please let me know if you have questions or need additional information. Have a good weekend!

Leslie Murphy | Environmental Scientist



Banner Associates, Inc.
409 22nd Avenue South, Brookings, South Dakota 57006
Cell | 605.280.5930 Toll Free | 1.855.323.6342
www.bannerassociates.com



Duvall, Ron

From: Duvall, Ron
Sent: Wednesday, March 16, 2022 10:20 AM
To: Leslie Murphy; Troy Larson (tlarson@lcrws.org)
Cc: Clinton Koehn; Jim Auen (jauen@lcrws.org); Kristin Bisgard; Becky Baker; Gronlund, Eric; Schlaak, Karen
Subject: RE: [EXT] Lewis & Clark - Water Right Application - 6.14 MGD

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- In Item 2 on the application to add 6,882 AF, I would like to replace the references of 77.61 cfs/34,833 gpm with “no additional” diversion rate. Your diversion rate is already covered by your existing permits, plus as outlined in the above application, so this application will be strictly for an increase in the annual volume by an additional 6,882 AF.

The application/license fees for each application are as follows:

- To place 13,000 AF to use and add collector well B – \$11,450.00 + \$200.00 (license fee) = \$11,650.00
- To add 6,882 AF - \$6,350.00 (there is no license fee needed since no additional works are being constructed)

Please let me know if the above changes are acceptable. If you have any questions, please let me know.

Thank you,

Ron Duvall
Dept. of Agriculture & Natural Resources
Office of Water, Water Rights Program
605.773.3352
danr.sd.gov



DANR
SOUTH DAKOTA

From: Leslie Murphy <lesliem@bannerassociates.com>
Sent: Friday, March 4, 2022 11:52 AM
To: Gronlund, Eric <Eric.Gronlund@state.sd.us>; Duvall, Ron <Ron.Duvall@state.sd.us>
Cc: Troy Larson (tlarson@lcrws.org) <tlarson@lcrws.org>; Clinton Koehn <ckoeHN@lcrws.org>; Jim Auen (jauen@lcrws.org) <jauen@lcrws.org>; Kristin Bisgard <kristinb@bannerassociates.com>; Becky Baker



March 4, 2022

Eric Gronlund, Chief Engineer
Water Rights Division
South Dakota Department of Agriculture and Natural Resources
523 East Capitol Avenue
Pierre, SD 57501

RECEIVED

MAR 04 2022

WATER RIGHTS
PROGRAM

Dear Mr. Gronlund,

The Lewis & Clark Regional Water System (L&C) provides water to 20 public water systems located in Turner, Lincoln, Minnehaha, Union, Lake, Clay, and McCook Counties in South Dakota; Rock and Nobles Counties in Minnesota; and Lyon, Sioux, Osceola, and O'Brien Counties in Iowa. With the connection of more members to the system, water utilization will increase.

With the addition of Future Use Permit Nos. 6869A-3 and 7208-3 to the existing water rights of L&C, the permitted amount of water will total 45,165 acre-feet/year, or 44.92 million gallons/day (MGD). To provide the amount of water required to reach the 44.19 MGD base system of the L&C, a total well capacity of 51.06 MGD (49.3 MGD firm) is needed. The existing rights, including the future use rights, are short of this need by 6.14 MGD.

Well Site B, a collector well, is currently under construction, with an anticipated completion date of Summer 2022. A figure showing the location of the L&C wells and a table of the well legal descriptions and the latitude/longitude coordinates are attached. Collector Well B will increase the diversion rate capacity of the system. Currently, L&C existing water rights permit a pump rate of 47.85 cubic feet of water per second (CFS) or 21,476 gallons per minute (GPM). With the addition of the collector well at Site B, the system will have a planned pump rate capability of 77.61 CFS, or 34,833 GPM (refer to Table 2). Preliminary findings in the 2022 South Dakota Geological Survey (SDGS) report regarding the availability of water in the Missouri: Elk Point aquifer indicate that there is likely over a 70% contribution of water coming from the Missouri River to supply the L&C Regional Water System.

It is the intent of L&C to apply for a new water right in the amount of 6.14 MGD (6,882 acre-feet/year) to bring their water rights in line with the capacity requirements of the base system.

Pursuant to SDCL §§ 46-2A, enclosed is an application requesting to appropriate water within the State of South Dakota.

Thank you for your consideration. If you have any questions, please contact either Leslie Murphy of Banner Associates at (605) 280-5930, John Taylor of Taylor Law Firm at (605) 906-0000, or myself at (605) 310-0560.

Sincerely,

 Construction Administrator
for Troy Larson

Troy Larson
Executive Director



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

May 11, 2022

Troy Larson, Executive Director
Lewis & Clark Regional Water System
46986 Monty Street
Tea SD 57064

Dear Mr. Larson:

Water Permit Application No. 8614-3 to appropriate 6,882 acre feet of water annually from the Missouri:Elk Point aquifer for rural water system use has been examined and found to comply with the South Dakota Water Laws and applicable rules. The recommendation is for DEFERRAL to allow for further study to determine if there is a reasonable probability that unappropriated water is available in the area of the well field. To comply with South Dakota Codified Law 46-2A-2, the recommendation of the Chief Engineer on the application is enclosed.

The Water Rights Program is uncertain whether Lewis and Clark Regional Water System wants to proceed to public notice of the application with the deferral recommendation and schedule a hearing before the Water Management Board or wait until the South Dakota Geological Survey concludes its investigation of river-aquifer interactions in the vicinity of the well field.

If LCRWS desires to proceed to public notice, our Program will send notice electronically to the South Dakota newspapers in counties served by LCRWS. You will then need to contact the newspapers and authorize publication of this notice.

Please contact me at 605 773-3352 with any questions.

Sincerely,

Eric Gronlund
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.



**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. 8614-3, Lewis & Clark Regional Water System**

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. 8614-3, Lewis & Clark Regional Water System, 46986 Monty Street, Tea SD 57064.

The Chief Engineer is recommending DEFERRAL of Application No. 8614-3 for further study to determine if there is a reasonable probability that unappropriated water is available for the applicant's proposed use. The South Dakota Geological Survey is conducting an investigation of river-aquifer interactions in the Lewis and Clark Regional Water System Wellfield to assess the amount of water that the Missouri River contributes to production wells at the LCRWS Mulberry Bend wellfield. This study is tentatively set for publication in the fall of 2022. Upon publication of the study, whether there is a reasonable probability that unappropriated water is available will be assessed.

Eric Gronlund, Chief Engineer
May 5, 2022

Gronlund, Eric

From: Becky Baker <beckyb@bannerassociates.com>
Sent: Wednesday, September 28, 2022 2:02 PM
To: Gronlund, Eric
Cc: Leslie Murphy
Subject: [EXT] Lewis and Clark- Water Rights

6.14 MGD = 6882

7.42 = 7420

Eric,

Sorry to bother you again regarding the water rights for Lewis and Clark. Lewis and Clark would like to meet to discuss a few things that we just discovered for number changes.

We need to revise the current application into DANR to a request of 7.42 MGD, not 6.14 MGD. The reason for the shift is finding two issues with the 6.14 MGD:

- Did not take into account the current acre/feet per year is not based on a 365 day/year around MGD maximum pump.
- The target of 51.06 MGD included a buffer of 3.35 MGD due for one of the vertical wells- that is no longer needed. So the target can be changed to 47.71 MGD.

Apologies, that we have these changes. Would you be available tomorrow for a Teams call with Lewis and Clark- Jim and Troy and- the Banner team? If tomorrow does not work, the next day available for Lewis and Clark would be October 7th if that would work better for you. Appreciate it!

Thanks!

Becky Baker | Environmental Department Head



Banner Associates, Inc.

Sioux Falls, SD

Tel | 605.692.6342 Toll Free | 1.855.323.6342

Cell | 605.690.2190

www.bannerassociates.com



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Gronlund, Eric

From: Troy Larson <tlarson@lcrws.org>
Sent: Thursday, September 29, 2022 10:28 AM
To: Gronlund, Eric
Cc: Becky Baker; Kristin Bisgard; Leslie Murphy; Jim Auen
Subject: [EXT] Lewis & Clark RWS
Attachments: Submitted_Future Use 6869A-3 and 7208-3.pdf; L&C RWS 6.14MGD - New Water Right Application.pdf

Eric,

Thanks for taking the time to meet with us by video later this afternoon. I'm sending this email to hopefully save us some time, as well as create a paper trail for your records.

Based on Banner's calculations, in the attached letters I indicate the 6.14 MGD will allow us to provide firm capacity of 44.19 MGD for our base system. See the fifth paragraph of the Feb. 18 letter and the second paragraph of the March 4 letter.

It came to my attention last week that there was an error in Banner's calculation because daily peak daily numbers were used instead of 365 days. In Banner's defense I understand most systems focus on the daily peak, but we need to focus on 365 days because the reserved capacities of our members is defined. Other systems don't have that. Consequently, in addition to our pending application for 6.14 MGD **we need another 1.28 MGD of water rights in order to provide firm capacity of 44.19 MGD for our base system for 365 days; total of 7.42 MGD. Our assumption is we should amend our pending application, but we want your feedback on that.**

Secondly, both letters indicate we need a total of 51.06 MGD in water rights in order to provide firm capacity of 44.19 MGD. During our discussions about the topic above, Jim Auen pointed out we were shooting for the wrong target since 51.06 MGD represents our total well capacity, not our firm capacity with one well out of service.

Accounting for treatment loss and line loss, we need a total of 47.71 MGD of water rights (365) in order to deliver 44.19 MGD of firm base capacity (365). We first thought the error above would require another 4.63 MGD of water rights to get us to 51.06 MGD, but through Jim's epiphany we realized we're only 1.28 MGD short since we were aiming for the wrong target.

We regret having to make this change in our water rights application and apologize for any inconvenience, but the good news the fix to the problem is much smaller than we originally thought. Looking forward to your feedback on how best to proceed.

Lastly, we'd also like visit about the future 17.07 MGD application we need to make for the expansion capacity, which will need to go before the Legislature in 2024. Hopefully the study that I understand will be finalized soon will shed some favorable light as to the prospects for this application.

Troy Larson

*Executive Director
Lewis & Clark Regional Water System
605-368-2400 office
605-310-0560 cell*

by email
RECEIVED
OCT 04 2022
**OFFICE OF
WATER**



October 4, 2022

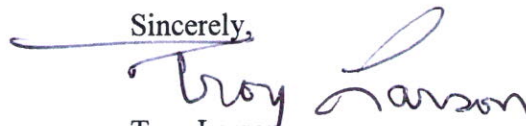
Eric Gronlund, Chief Engineer
Water Rights Division
South Dakota Department of Agriculture and Natural Resources
523 East Capitol Avenue
Pierre, SD 57501

Dear Eric:

Thank you for your continued work with the Lewis & Clark Regional Water System (L&C). Based on our conversation last week, we would like to proceed with revising our pending water right application. Currently we are requesting 6.14 MGD. Upon further review that number was based on on-peak, off-peak usage versus maximum pumping year-round. In addition, our previous target volume needed has been lowered to account for one well out of service. These changes will require an additional 1.28 MGD in order for L&C to deliver firm capacity year round of 44.19 MGD for our base system capacity, so our revised application is for a total of 7.42 MGD (8,318 acre-feet/year).

Thanks again for your assistance and guidance through this process. If you have any questions, please contact me at (605) 368-2400.

Sincerely,


Troy Larson
Executive Director



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

**REVISED RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 8614-3, Lewis & Clark Regional Water System**

Pursuant to SDCL 46-2A-2, the following is the revised recommendation of the Chief Engineer, Water Rights Program, Department of Agriculture and Natural Resources concerning Water Permit Application No. 8614-3, Lewis & Clark Regional Water System, 46986 Monty Street, Tea SD 57064.

The Chief Engineer is recommending APPROVAL of Application No. 8614-3 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 wells approved under Water Permit Nos. 6736-3, 7207-3, 8613-3, and also authorized for use under this Permit are 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 Missouri Elk Point aquifer.
3. Water Permit No. 8614-3 authorizes a total annual diversion of up to 8,277 acre-feet of water.

See report on application for additional information.

Eric Gronlund, Chief Engineer
January 9, 2023

REPORT TO THE CHIEF ENGINEER
ON
WATER PERMIT APPLICATION NO. 8614-3
LEWIS & CLARCK REGIONAL WATER SYSTEM
C/O TROY LARSON, EXECUTIVE DIRECTOR
DECEMBER 22, 2022

Water Permit Application No. 8614-3 proposes to appropriate 8,277 acre-feet of water annually (ac-ft/yr) from up to 12 existing wells completed into the Missouri: Elk Point aquifer located in N ½ (within Parcels X, Y, and Z except Lots H1 and except that part of Parcel Z, E of Lot H1) Sec. 15, W ½ (within Brewer Lot 1 and Blickle Lot 1) Sec. 22 and W ½ (within Brewer Lot 1 and Lot 2) Sec. 27; all in T32N-R4E of the 6th Prime Meridian (PM) commonly referred to as the Nebraska Survey. The diversion rate authority for this appropriation was authorized under Water Permit No. 8613-3 and other existing permits for Lewis & Clark Regional Water System (L&C RWS). The water will be used by water distribution systems in Turner, Lincoln, McCook, Clay, Minnehaha, Union, and Lake Counties in South Dakota; Lyon, Sioux, Osceola, and O'Brien Counties in Iowa; Rock and Nobles Counties in Minnesota. The well field supplying this application is located approximately three miles southwest of Vermillion, South Dakota.

AQUIFER: Missouri: Elk Point (M:EP)

Aquifer Characteristics:

The Elk Point management unit of the Missouri aquifer, also known as the Missouri: Elk Point aquifer, is a deposit of glacial outwash lying within the Missouri River flood plain from the Yankton area to the southeastern tip of South Dakota (Niehus, 1994; Stephens, 1967). The Missouri: Elk Point underlies approximately 219,100 acres of Clay, Union, and Yankton Counties in South Dakota and contains an estimated 3,287,100 ac-ft of recoverable water in storage (Hedge et al, 1982). The aquifer is hydrologically connected to the Lower Vermillion Missouri, Lower James Missouri, Big Sioux, and Dakota aquifers as well as the Big Sioux, James, Vermillion, and Missouri Rivers (Niehus, 1994; Stephens, 1967).

In general, the Missouri: Elk Point aquifer is under unconfined conditions, but there can be locally confined or semiconfined conditions (Condley and Lamkey, 2022; Niehus, 1994 and 1997; Water Rights, 2022c and 2022e). Water movement in the aquifer is generally toward the southeast (Niehus, 1994). At the wells this application proposes to use, the aquifer is under unconfined conditions (Water Rights, 2022c and 2022e). In the area of the well field this application proposes to use, aquifer material (sand and gravel) is typically found within 5 feet of land surface and with a total thickness in the 100 to 120 feet (SDGS, 2022; Water Rights, 2022e). The static water level in the area is typically between 15 and 25 feet below land surface (Water Rights, 2022c and 2022e). Figure 1 shows a map of the approximate Missouri: Elk Point aquifer boundary (Steen, 2022) with observation wells (Water Rights, 2022c) and location of the Lewis and Clark Regional Water System (L&C RWS) well field.

SOUTH DAKOTA CODIFIED LAW (SDCL) 46-2A-9

Pursuant to SDCL 46-2A-9, "A permit to appropriate water may be issued only if there is a reasonable probability that there is unappropriated water available for the applicant's proposed use, that the diversion point can be developed without unlawful impairment of existing domestic water uses and water rights, and that the proposed use is a beneficial use and in the public interest as it pertains to matters of public

interest within the regulatory authority of the Water Management Board as defined by SDCL 46-2-9 and 46-2-11.” This report will address the availability of unappropriated water and the potential for unlawful impairment of existing domestic water uses and water rights from the Missouri: Elk Point aquifer.

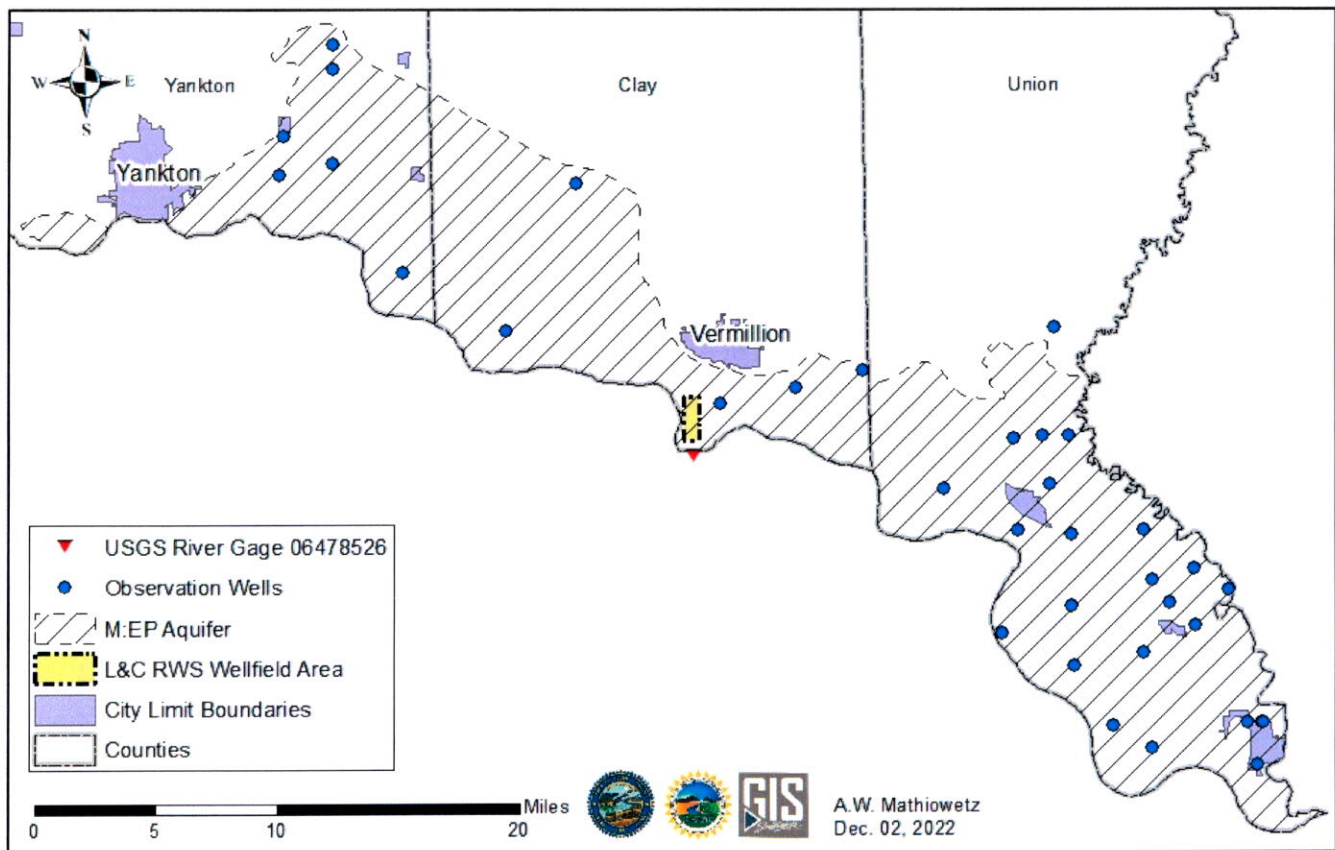


Figure 1- Map of the approximate Missouri: Elk Point aquifer boundary (Steen, 2022), observation wells (Water Rights, 2022c), USGS Missouri River gage (USGS, 2022) and L&C RWS well field for Application No. 8614-3

WATER AVAILABILITY:

This application proposes to appropriate water from the Missouri: Elk Point aquifer. The probability of unappropriated water available from the aquifer can be evaluated by considering SDCL 46-6-3.1, which requires the amount of water withdrawn annually to not exceed the average estimated recharge unless the aquifer is older or lower than the Greenhorn Formation and the applicant is a water distribution system. The applicant is a water distribution system as defined in SDCL 46-1-6(17). However, the Missouri: Elk Point aquifer is not stratigraphically lower/older than the Greenhorn Formation (Fahrenbach et al, 2010). Therefore, a comparison of average annual recharge and average annual withdrawals from the Missouri: Elk Point aquifer is required for this application.

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 36 observation wells completed into the Missouri: Elk Point aquifer (Water Rights, 2022c). Figure 2 shows the hydrographs for the five Missouri: Elk Point aquifer observation wells located within approximately 10 miles of the applicant's well field and a USGS Missouri River gage (06478526) near Maskell, NE. From the applicant's well field, observation well CL-80A is 10.2 miles north-northwest, CL-80B is 8.3 miles northwest, CL-80C is 1.2 miles east, CL-80D is 4.4 miles east, CL-80E is 7.2 miles east-northeast, and the USGS Missouri River gage is approximately 0.65 miles south (Water Rights, 2022c and 2022d). The hydrographs are representative of the hydrographs for the other observation wells completed into the aquifer and are representative of the aquifer.

The hydrographs show water levels that respond well to climatic conditions, rising during wetter periods (early spring snowmelt and precipitation) and declining to stable levels during drier periods. The hydrographs show that any drawdown created by pumping are temporal and water levels recover to pre-pumping levels after the irrigation season if pumping drawdowns are even discernable from the effects caused by natural conditions, including the effects on the water levels of the aquifer caused by changes in the water level of the Missouri River.

Several of the Missouri: Elk Point aquifer observation well hydrographs show a gradual long-term downward trend especially those close to the Missouri River. This downward trend is caused by entrenchment of the Missouri River bed and in some places a widening of the channel leading to lower water levels despite the river having the same rate of flow (Elliott and Jacobson, 2022). The lowering of the water level in the Missouri River downstream of the Gavins Point Dam and the subsequent lowering of the water level of Missouri: Elk Point aquifer observation wells in close proximity to the river show the strong hydrologic connection between the Missouri River and the Missouri: Elk Point aquifer. This is demonstrated by the very similar water levels between the aquifer and river as shown in the hydrographs in Figure 2. The lowering of the water levels in the aquifer, especially in close proximity to the Missouri River, is not a sign of over appropriation of the Missouri: Elk Point aquifer. The observation well water levels simply show the connection between the river and the aquifer and how the aquifer reacts to climatic conditions without showing any long-term effects from pumping. Therefore, there is a reasonable probability unappropriated water is available for this proposed appropriation based on observation well data.

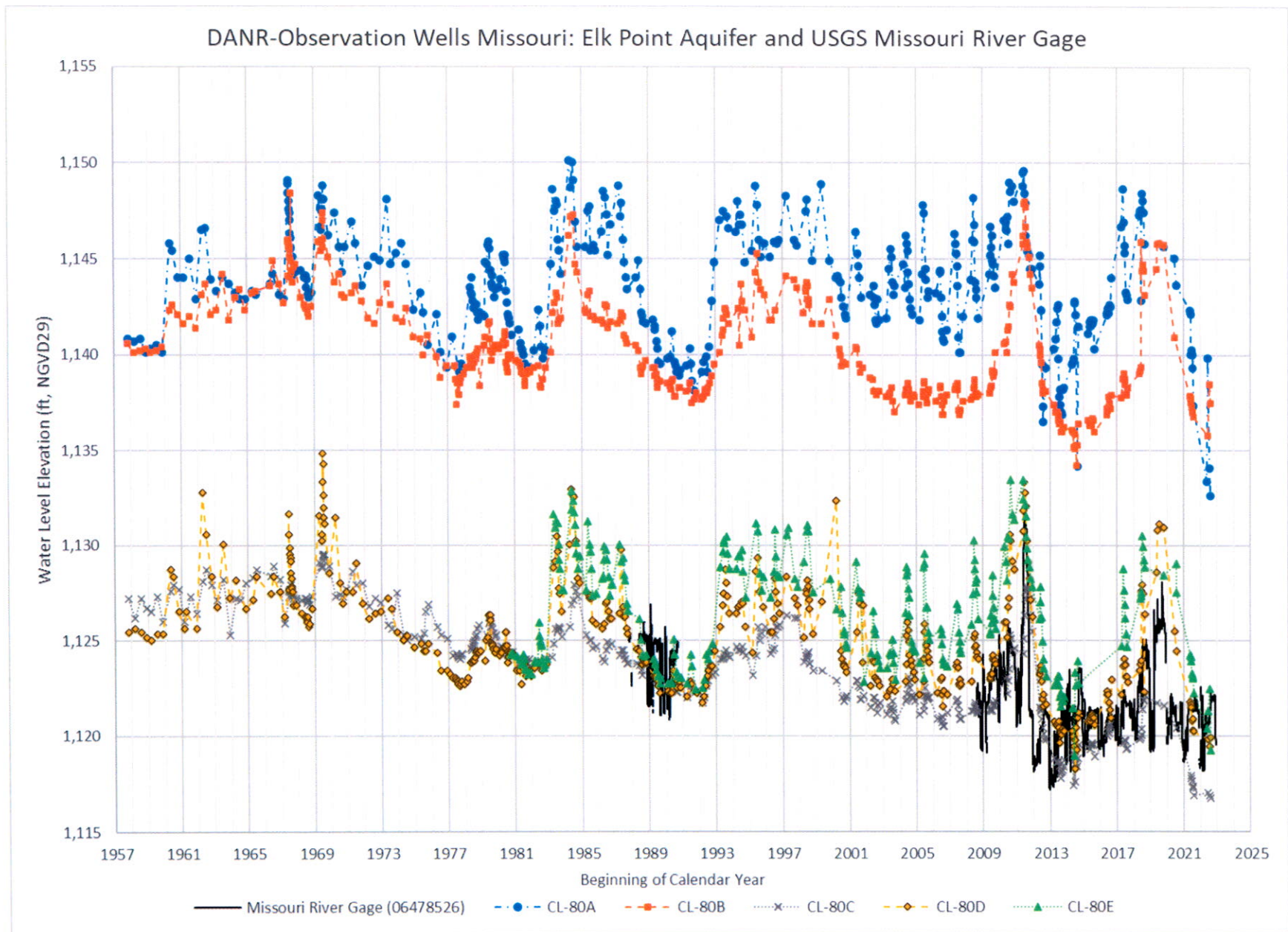


Figure 2- Hydrographs for DANR Missouri: Elk Point aquifer observation wells within approximately 10 miles of the L&C RWS well field for Application No. 8614-3 and the USGS Missouri River Gage at Maskell, NE (USGS, 2022; Water Rights, 2022c)

Permit Application No. 8614-3 Page 4 of 13

Hydrologic Budget

Discharge:

Discharge from the Missouri: Elk Point aquifer occurs through evapotranspiration where the aquifer is at or near land surface, well withdrawals, leakage to the underlying Dakota aquifer, and outflow to the Missouri, Vermillion, James, and Big Sioux Rivers (Bugliosi, 1986; Niehus, 1994; Water Rights, 2022d and 2022e). Currently, there are 629 water rights/permits appropriating water plus 5 future use permits reserving water from the Missouri: Elk Point aquifer (Water Rights, 2022d). Currently, there are four pending applications, including this application, to appropriate water from the Missouri: Elk Point aquifer. Application Nos. 8673-3, 8674-3, and 8682-3 are for irrigation and propose to irrigate a combined 211.14 acres. The future use permits are listed in Table 1. Future use permits currently reserve 1,900 ac-ft/yr of water from the Missouri: Elk Point aquifer (Water Rights, 2022d). The future use permits reserving no water means that water reserved under the permit has already been put to use under a water right/permit.

Table 1- Future use permits reserving water from the Missouri: Elk Point aquifer (Water Rights, 2022d)

PERMIT NO.	NAME	PRIORITY DATE	USE	AC-FT
5832-3	LEWIS & CLARK RWS	07/08/1994	RWS	0
6237-3	CITY OF VERMILLION	11/06/2000	MUN	1,900
6869-3	LEWIS & CLARK RWS	07/16/2007	RWS	0
6869A-3	LEWIS & CLARK RWS	07/16/2007	RWS	0
7208-3	LEWIS & CLARK RWS	07/13/2010	RWS	0
TOTAL				1,900

A summary of non-irrigation water rights/permits is shown in Table 2 along with estimated average annual pumpage for each water right/permit. For permits limited to an annual volume, it is assumed that the full volume will be pumped. For permits that are required to report annual pumpage and not limited by an annual volume, the average annual reported pumpage is used. Note that for Water Permit Nos. 5998A-3 and 7388-3 the average over their respective periods of time represents the permit(s) having been fully developed with relatively stable annual pumpage. Several water distribution systems purchase water from other systems and maintain their wells for standby purposes (Friedeman, 2022; Water Rights 2022d). The water use under those permits is negligible and assumed to be zero for this hydrologic budget. Water Right No. 5437-3 is assumed to be pumping continuously due to the qualifications in the original permit and how the licensing and inspection process were completed.

Water Permit No. 7059-3 is for recreational use to maintain the water level of a small lake with a surface area of 17.6 acres (Water Rights, 2022d). It is assumed to only use the consumptive use of water due to evapotranspiration. Annual evaporation of water from shallow lakes in this area is estimated to be 42 inches per year (NOAA, 1982) and the average annual total precipitation at the Sioux City, IA airport was determined to be 29.27 inches over the 30-year period of 1991 to 2020 (NOAA, 2022). That is an annual average consumptive use of 18.7 ac-ft/yr. The remaining non-irrigation permits are assumed to pump at their permitted diversion rates 60% of the time. This is the standard method used by the DANR-Water Rights Program for estimating average annual withdrawals even though it is likely an overestimate of use for those permits (Water Rights, 2022d). The estimated average annual withdrawal by non-irrigation water rights/permits is 62,370.7 ac-ft/yr.

Table 1- Non-irrigation Missouri: Elk Point aquifer water rights/permits (Water Rights, 2022d)

Permit No.	County	Status	Use	Name	CFS	Permitted Vol. (ac-ft/yr)	Estimated/Reported Pumpage (ac-ft/yr)
8415-3	YA	PE	COM	3 SONS PROPERTIES LLC	0.100	25	
5453-3	UN	LC	IND	AALADIN INDUSTRIES INC	0.050		21.7
5616-3	YA	LC	COM	CIMPLS INC	0.440		191.2
5998A-3	UN	PE	IRR	CLAY RURAL WATER SYSTEM INC			346.2 ^A
7388-3	UN	PE	DOM; IRR		2.000		
5437-3	UN	LC	MUN	DAKOTA DUNES COMM IMPROVEMENT DISTRICT	3.330		2412.3 ^B
8031-3	CL	PE	COM	DAKOTA PROTEIN CONVERSION INC	0.220		96.0
5592-3	YA	LC	SHD	EAST WINDS COURT INC	0.110		0 ^C
5953-3	YA	LC	COM	H & K OIL CO	0.037		16.1
6170-3	YA	LC	IND	KNIFE RIVER	0.222		96.5
5581-3	YA	LC	SHD	LARSON'S LANDING	0.089		38.7
6736-3	CL, TU, LN	PE	RWS	LEWIS & CLARK RWS	27.850	20,165	
7207-3	CL	PE	RWS		20.000	12,000	
8613-3	CL	PE	WDS		29.760	13,000	
8381-3	UN	PE	COM	R P CONSTRUCTORS	0.040	1	
8435-3	UN	PE	COM	SIOUX CITY INSULATION	0.330	1	
8403-3	YA	PE	COM	STOCKMEN'S LIVESTOCK INC	2.000	40	
5907-3	YA	LC	FWP	US FISH/WILDLIFE SERVICE	3.780		1,642.9
6733-3	YA	LC	FWP		1.110		482.5
7094-3	YA	LC	FWP		2.670		1,160.5
5490-3	YA	LC	FWP	US GEOLOGICAL SURVEY	0.090		39.1
5021-3	YA	LC	IND	VISHAY-DALE ELECTRONICS INC	0.100		43.5
5593-3	YA	LC	IND		0.056		24.3
7059-3	UN	PE	REC	WE INVESTMENTS LLC	3.110		18.7 ^D
6580-3	UN	LC	COM	WEST SHORE ACRES LLC	0.100		43.5
1255-3	UN	LC	MUN	CITY OF ELK POINT	1.130		491.1
5782-3	UN	LC	MUN	CITY OF NORTH SIOUX CITY	1.140		495.5
143-3	CL	LC	MUN	CITY OF VERMILLION	1.780		773.7
147-3	CL	LC	MUN		2.660		1236.9 ^E
6236-3	CL	LC	MUN		2.600		
6354-3	CL	LC	MUN		0.022		9.6
8212-3	YA	LC	MUN	CITY OF YANKTON	20.120	6,050	
5827-3	UN	LC	COM	DON LANTIS	0.022		9.6
8147-3	UN	PE	COM; LCO	DOUG LAFLEUR	1.000	160	
4501-3	YA	LC	COM	EDDIE WOHL	0.050		21.7
6744-3	CL	PE	DOM; COM	JUDITH I GRANT	0.780		339.0
5388-3	UN	LC	IND	L G EVERIST INC	0.450		195.6
1965-3	YA	LC	MUN	TOWN OF GAYVILLE	0.370		0 ^C
5118-3	YA	LC	MUN		0.330		0 ^C
4207-3	UN	LC	MUN	TOWN OF JEFFERSON	0.900		391.2
6151-3	UN	LC	COM	VERNON & NORMA VAKOC	0.670		291.2
CL= Clay, LN= Lincoln, UN= Union, YA=Yankton; LC=Water Right, PE= Water Permit; COM= Commercial, DOM= Domestic, FWP= Fish & Wildlife Propagation, IND= Industrial, IRR= Irrigation, LCO= Livestock Confinement Operation, MUN= Municipal, REC= Recreation, RWS= Rural Water System, SHD= Suburban Housing Development, WDS= Water Distribution System					TOTAL	62,370.7	

A= 2012-2021 avg.; B= Full time pumping;
C= Standby; D= Evaporative consumption;
E= 2003-2021 avg.

There are 589 water rights/permits that are authorized to withdraw water from the Missouri: Elk Point aquifer primarily for irrigation purposes plus 3 pending irrigation applications (Water Rights, 2022). Irrigation water rights/permits have typically been required to report their annual pumpage on an irrigation questionnaire since 1979. Farmer (2018 and 2021) analyzed the amount of water pumped per permitted acre for the period from 1979 to 2005. This period was chosen due to the relatively stable number of permitted acres across the entire period. There was a continual annual increase in the number of permitted acres from 2006 to 2013/2014 (see Figure 3). Since 2013/2014 the total number of permitted acres has been relatively stable. Farmer (2021) determined that it would be best to separate the review of pumpage per permitted acres between crops, such as corn and soybeans, and turf, such as golf courses and lawn irrigation, to describe the pumpage more accurately per permitted acres. Turf irrigation typically requires more water per acre annually than crop irrigation. Figures 3 and 4 show the annual reported irrigation pumpage and permitted acres for crop irrigation (Figure 3) and turf irrigation (Figure 4).

The average annual pumpage rate from 1979-2021 is 18,703.2 ac-ft/yr (Water Rights, 2022b). When considering the 2012-2021 average annual pumpage, which is likely to be more reflective of current management and irrigation practice, the average annual pumpage is 27,247.35 ac-ft/yr (Water Rights, 2022b). The application rate per permitted acre for the 1979-2005 period was determined to be 0.343 ft/yr for crops and 0.97 ft/yr turf (Farmer, 2021). Across the entire period of record, 1979 through 2021, the crop application rate per permitted acre is 0.331 ft/yr (3.97 in/yr) and 0.908 ft/yr for turf (10.9 in/yr) (Water Rights, 2022b).

Currently, there are 81,276.86 acres authorized for crop irrigation and 809.6 acres for turf irrigation (Water Rights, 2022d). Using the 1979-2021 application rate per permitted acre rates, the average annual use for crop irrigation is expected to be 26,902.6 ac-ft/yr and 735.1 ac-ft/yr for turf irrigation. Currently, there are three pending applications, Application Nos. 8673-3, 8674-3, and 8682-3, for crop irrigation from the Missouri: Elk Point aquifer proposing to irrigate 211.14 acres (Water Rights, 2022d). The three applications combined would be expected to pump 69.9 ac-ft/yr. Total estimated average annual irrigation pumpage for the currently permitted acres plus the pending applications is 27,707.6 ac-ft/yr using the 1979-2021 pumpage per permitted acre.

There are a number of domestic wells that withdraw water from the Missouri: Elk Point aquifer (Water Rights, 2022e). The withdrawal rate is limited to a daily average rate of 18 gallons per minute and typically are not used continuously. Furthermore, over much of the area of the Missouri: Elk Point aquifer there are rural water systems and other water distribution systems available, so many of these wells may no longer be in use. The annual quantity of water withdrawn for domestic use is considered to be negligible to the overall hydrologic budget of the aquifer.

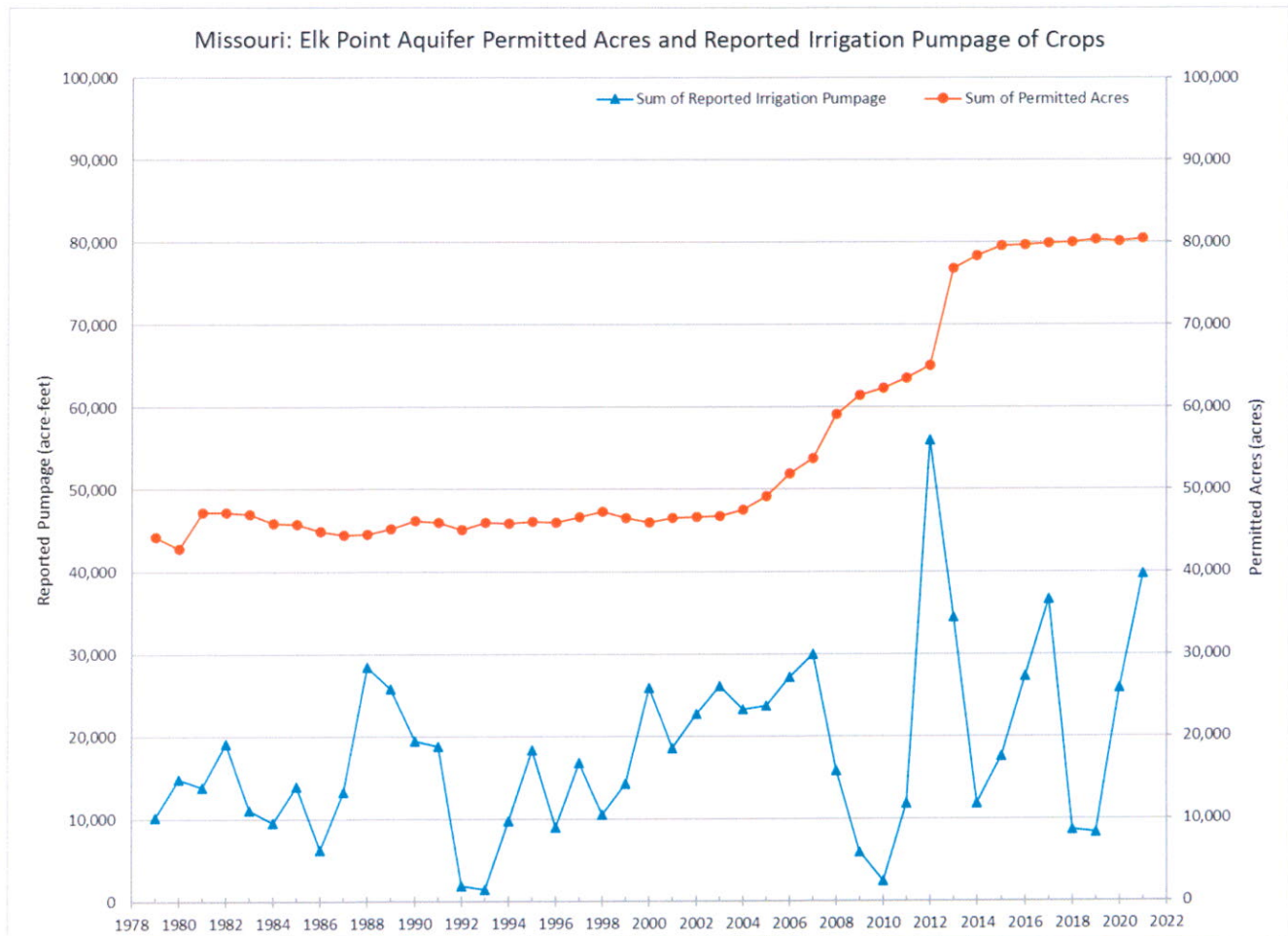


Figure 3- Permitted acres and reported pumpage for crop irrigation (Water Rights, 2021a)

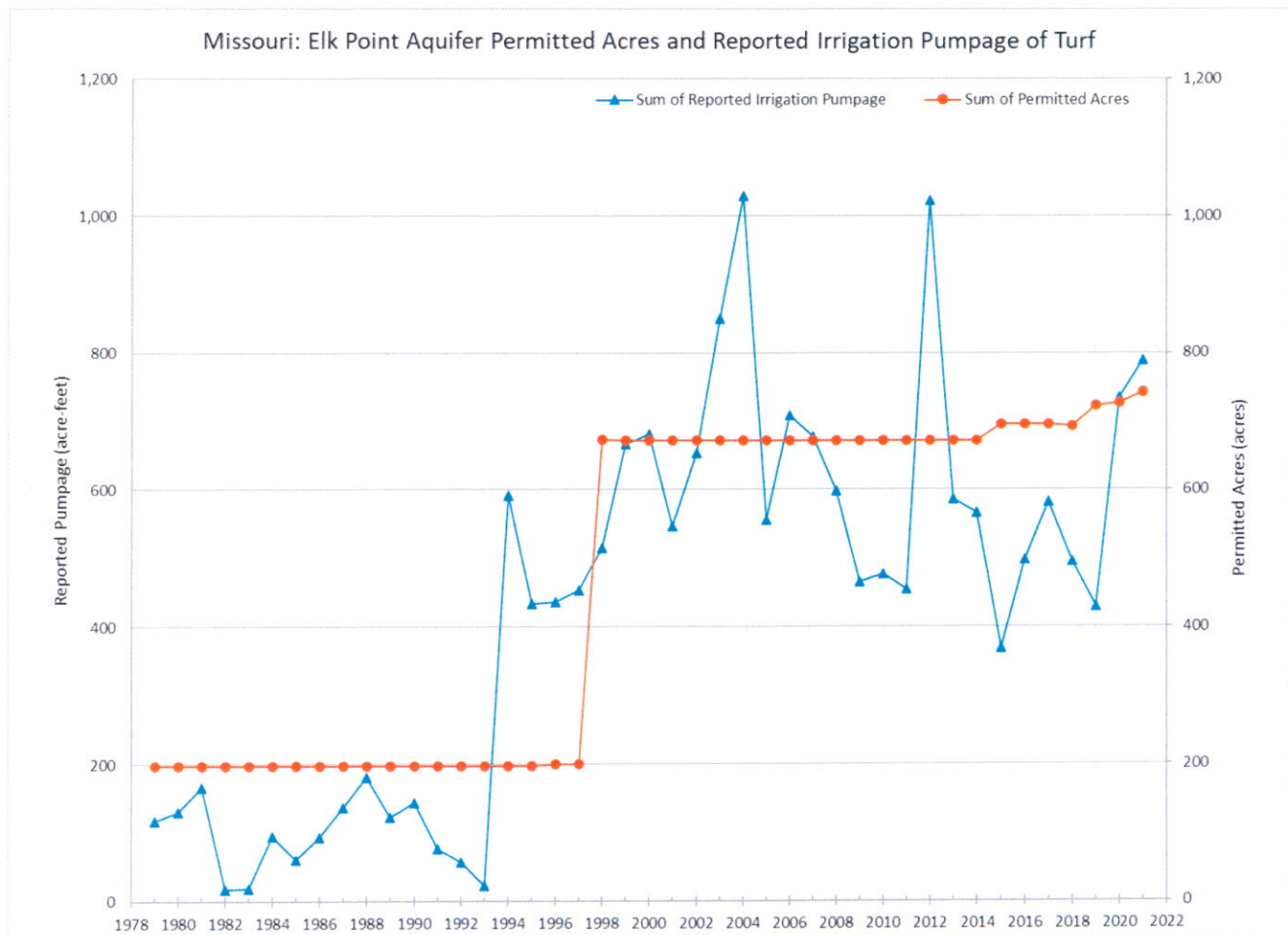


Figure 4- Permitted acres and reported pumpage for turf irrigation (Water Rights, 2021a)

Recharge

The Missouri: Elk Point aquifer is recharged by infiltration of precipitation, groundwater inflow from the Lower Vermillion Missouri and Lower James Missouri aquifers, seepage from the Missouri, Vermillion, James and Big Sioux Rivers, and induced recharge from the Missouri River (Bugliosi, 1986; Condley and Lamkey, 2022; Niehus, 1994). The estimated recharge rate to the Missouri: Elk Point aquifer, 3.8 inches/year (in/yr), was first estimated by Hedges and others (1985) using observation well analysis. Applying that recharge rate over the approximate aquifer extent, 219,100 acres, yields an annual average recharge estimate of 69,382 ft/yr. The data used for observation well analysis represents both withdrawals from and recharge to the aquifer simultaneously. Therefore, observation well analysis always produces an estimated recharge rate less than the actual recharge rate.

The wells for the L&C RWS induce recharge to the aquifer from the Missouri River (Condley and Lamkey, 2022; Stonesifer, 2013). Stonesifer (2013) estimated at least 50% of L&C RWS pumping in the well field this application proposes to use, also known as Mulberry Bend Well Field, will be induced recharge from the Missouri River. The SD DANR-Geological Survey conducted a study to more accurately quantify the percentage of induced recharge from the L&C RWS's well field (Condley and Lamkey, 2022). A numerical model was created to determine the source water, either groundwater or induced river water, for each well of the 11 wells in existence during the model period (Condley and

Lamkey, 2022). A 31 day and a 365-day model run were conducted. During the 31-day model run, it was determined 71.1% of the water that would be pumped from the wells is river water. During the 365-day run, it was determined 84.6% of the water pumped from the well field was river water. The capture zone for the 365-day model run did not extend more than one mile from the river. L&C RWS is currently permitted to pump 45,165 ac-ft/yr and this application proposes to authorize pumping 8,277 ac-ft/yr for a total of 53,442 ac-ft/yr (Water Rights, 2022d). Assuming the 84.6% capture, that equates to 45,211.9 ac-ft/yr captured as induced recharge from the Missouri River.

Furthermore, the City of Yankton contracted with HDR Engineering to conduct a study for siting a collector well to be authorized under Water Right No. 8212-3 (Water Rights, 2022). Part of the study was determining the water quality which included trying to determine the source water supply, induced Missouri River water or groundwater from the Missouri: Elk Point aquifer. While the amount of induced surface water was not modeled, it was estimated that induced surface water to the well would be in the range of 40% to 90% (HDR, 2014). This estimate is supported by the Condley and Lamkey (2022) study on the L&C RWS well field. Water Right No. 8212-3 authorizes the pumping of up to 6,050 ac-ft/yr (Water Rights, 2022d). There are also many irrigation water right/permit wells within one mile of the Missouri River that withdraw water from the Missouri: Elk Point aquifer (Water Rights, 2022d). It is highly likely some of those irrigation water right/permit wells induce recharge from the Missouri River. There may also be induced recharge from the James, Vermillion, and Big Sioux Rivers. These have yet to be quantified and would likely be very small compared to the induced recharge from the Missouri River.

Combining, the recharge from Hedges and others (1985) determined through observation well analysis (69,382 ac-ft/yr) and the induced recharge from the L&C RWS well field (Condley and Lamkey, 2022; Water Rights, 2022d), assuming full development of L&C RWS's current water rights/permits, future use permits and this application, (45,211.9 ac-ft/yr) equates to an estimated average annual recharge of 114,593.9 ac-ft/yr.

Balance of Hydrologic Budget

The estimated average annual recharge to the Missouri: Elk Point aquifer is 114,593.9 ac-ft/yr. The estimated average annual withdrawals from the Missouri: Elk Point aquifer, assuming approval of this application and the three pending irrigation applications is 100,255.3 ac-ft/yr (1,900 ac-ft/yr future use; 62,370.7 ac-ft/yr non-irrigation; 27,707.6 ac-ft/yr irrigation, including pending applications; and 8,277 ac-ft/yr this application). Based on the hydrologic budget, there is a reasonable probability there is unappropriated water available for this proposed appropriation. This conclusion agrees with the information shown by the observation well data.

POTENTIAL FOR UNLAWFUL IMPAIRMENT OF EXISTING WATER RIGHTS:

The Missouri: Elk Point aquifer is primarily under unconfined conditions but can be locally confined or semi-confined (Water Rights, 2022c and 2022e). In an unconfined aquifer, drawdown from pumping a well does not extend a significant distance from the production well. The wells authorized by Water Right Nos. 5412-3 and 5541-3 are each within approximately 0.5 miles of one of the wells this application proposes to use (Water Rights, 2022d). The wells this application proposes to use are also located within the future use area reserved by Future Use Permit Nos. 5832-3, 6869-3, 6869A-3, and 7208-3 which are all held by the applicant (Water Rights, 2022d).

Observation well CL-80C is located approximately 1.25 miles from the nearest well this application proposes to use, and its hydrograph is shown in Figure 5 (Water Rights, 2022c and 2022d). Observation

well CL-80C is within approximately one mile of 12 high-capacity irrigation wells (Water Rights, 2022d). The hydrograph for CL-80C shows the general downward trend caused by entrenchment of the Missouri River channel and the decline of the water level in the river. However, the effects of localized pumping on the water level in the observation well are not evident. The general downward trend is not indicative of unlawful impairment of existing water rights. The saturated aquifer thickness in the area of this application ranges from 70 to 100 feet (Water Rights, 2022c and 2022e). Furthermore, there has not been a history of well interference complaints from wells completed into the Missouri: Elk Point aquifer despite significant development (Water Rights, 2022a).

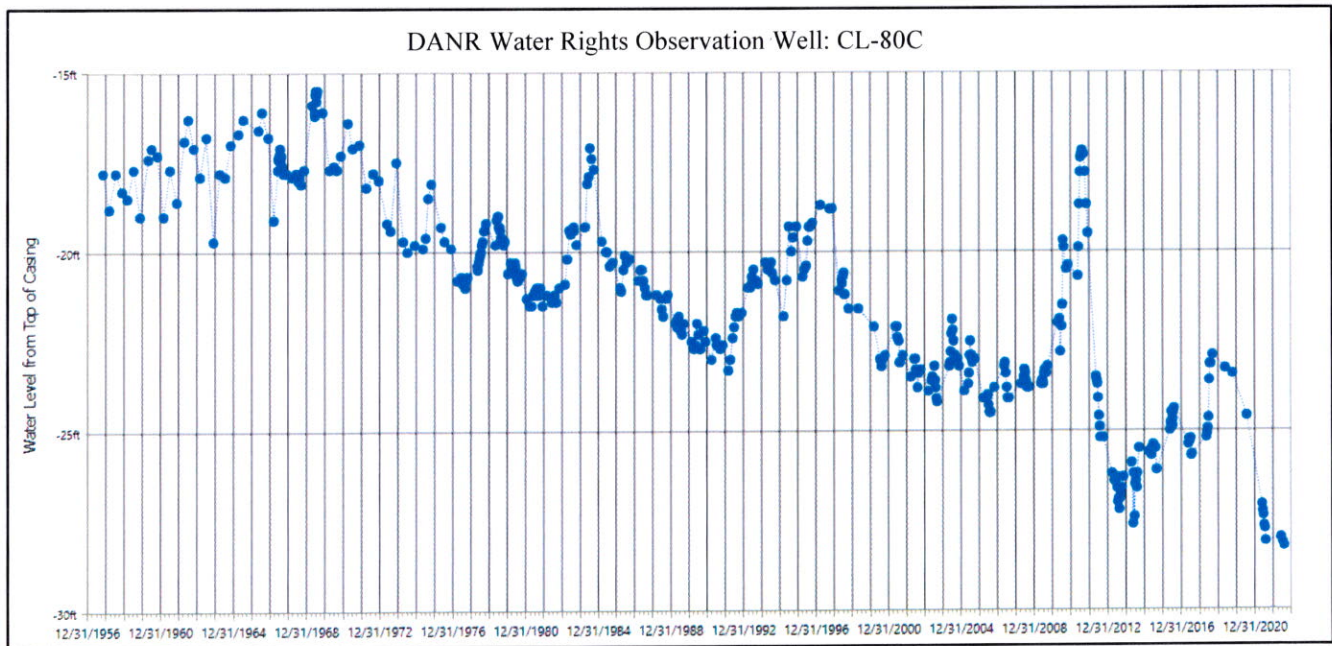


Figure 5- Hydrograph for observation well CL-80C (Water Rights, 2022c)

In general, drawdown does not extend far from a pumping well completed into an unconfined aquifer but can extend some distance from a well completed into a confined aquifer. The applicant's wells are under unconfined conditions (Water Rights, 2022c, 2022d, and 2022e).

In order to balance interests between appropriative use and domestic water users, the Water Management Board defined an "adversely impacted domestic well" in Administrative Rule of South Dakota (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 well field L&C RWS has been in use for some time, particularly 11 of the 12 wells, without reported issue. When considering the lack of drawdown caused by pumping, the fact drawdown does not extend far from pumping a well in an unconfined aquifer, the large saturated thickness of the aquifer, and the lack of complaints, there is a reasonable probability this proposed diversion can be developed without unlawfully impairing existing adequate domestic wells or adequate appropriative wells.

CONCLUSIONS:

1. Application No. 8614-3 proposes to appropriate 8,277 ac-ft/yr from up to 12 existing wells completed into the Missouri: Elk Point aquifer using diversion rate authority authorized under Water Permit No. 8613-3 and other existing permits for the Lewis & Clark Regional Water System.
2. Based on the observation well data and a hydrologic budget, there is a reasonable probability unappropriated water is available for this proposed appropriation.
3. There is a reasonable probability that pumping this proposed diversion will not unlawfully impair existing domestic water users and water rights with adequate wells.



Adam Mathiowetz, PE
SD DANR-Water Rights Program

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**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.**

January 9, 2023

Lewis & Clark Regional Water System
c/o Troy Larson, Executive Director
46986 Monty St
Tea SD 57064

Dear Mr. Larson:

Water Permit Application No. 8614-3 for rural water system use have been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice has been sent to the following papers to be published January 19 or 20. You will need to contact the newspapers and authorize publication of this notice.

Turner County New Era, Parker	605 297-4419
Sioux Valley News, Canton	605 764-2000
Leader-Courier, Elk Point	605 356-2632
Daily Leader, Madison	605 256-4555
Plain Talk, Vermillion	605 624-2695
The Special, Salem	605 425-2361
Argus Leader, Sioux Falls	see attachment for contact number

For your information, a copy of the notice, the recommendation of the Chief Engineer and report on the application are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

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

Sincerely,

Karen Schlaak

Karen Schlaak
Water Rights Program
(605) 773-3352

enclosures

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

Instruction to Newspaper - Publish the Notice on January 19 or 20, 2023. The Lewis & Clark Regional Water System is responsible for payment.

NOTICE OF APPLICATION NO. 8614-3 to Appropriate Water

Notice is given that Lewis & Clark Regional Water System, c/o Troy Larson, Executive Director, 46986 Monty St, Tea SD 57064 has filed an application for a water permit. The system serves twenty public water systems located in Turner, Lincoln, Minnehaha, Clay, McCook, Union, and Lake Counties in South Dakota; Lyon, Sioux, Osceola, and O'Brien Counties in Iowa; Rock and Nobles Counties in Minnesota.

Application No. 8614-3 proposes to increase the annual volume of water by an additional 8,277 acre-feet annually from the existing Missouri Elk Point Aquifer well field located in N 1/2 (within Parcels X, Y, and Z except Lots H1 and except that part of Parcel Z, E of Lot H1) Sec. 15, W 1/2 (within Brewer Lot 1 and Blickle Lot 1) Sec. 22 and W 1/2 (within Brewer Lot 1 and Lot 2) Sec. 27; all in T32N-R4E of the 6th Prime Meridian (PM) commonly referred to as the Nebraska Survey. The water is for rural water system use in the counties described above. The well field is located approximately three miles southwest of Vermillion SD.

South Dakota Codified Law (SDCL) 46-2A-4(10) provides that "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 Chief Engineer's recommendation and no hearing may be held before the board, unless the Chief Engineer makes a finding that an application, even if uncontested, presents important issues of public policy or public interest that should be heard by the board." In this case, the Chief Engineer finds that this application presents important issues of public interest that should be heard by the Water Management Board.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8614-3 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.

The Water Management Board will consider this application at 9:45 AM (Central Time) on March 8, 2023 in the Matthew Training Center, Joe Foss Bldg, 523 E. Capitol Ave., Pierre SD. The Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny this application based on the facts presented at the public hearing.

Any person who intends to participate in the hearing 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 January 30, 2023.

The petition shall be in writing and 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. The hearing is an adversary proceeding and any party has the right to be present at the hearing and to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised at the hearing and decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

The March 8, 2023 hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from the applicant or any person who has filed a petition to oppose the application. The request for an automatic delay must be filed by January 30, 2023. If an automatic delay is requested, the hearing will be rescheduled for a future Board meeting and personal notice will be provided to the applicant and all petitioners regarding the time, date, and location.

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 January 30, 2023.

Notice is given to individuals with disabilities that this hearing is being held in a physically accessible place. Please notify the Department of Agriculture and Natural Resources at least 48 hours before the hearing if you have a disability for which special arrangements must be made at the hearing. The telephone number for making arrangements is (605) 773-3352.

Under SDCL 1-26-17(7) notices must state that "if the amount in controversy exceeds \$2,500.00 or if a property right may be terminated, any party to the contested case may require the agency to use the Office of Hearing Examiners by giving notice of the request to the agency no later than ten days after service of a notice of hearing issued pursuant to SDCL 1-26-17." This is a Notice of Hearing, service is being provided by publication, and the applicable date to give notice to the Chief Engineer is January 30, 2023. However, since this particular matter is a water permit application and not a monetary controversy in excess of \$2,500.00 or termination of a property right the Chief Engineer disputes the applicability of this provision and maintains that the hearing must be conducted by the Board.

As applicable, the following provides the legal authority and jurisdiction under which the hearing will be held and the particular statutes and rules pertaining to this application: SDCL 1-26-16 thru 1-26-28; SDCL 46-1-1 thru 46-1-9, 46-1-13 thru 46-1-16; 46-2-3.1, 46-2-9, 46-2-11, 46-2-17; 46-2A-1 thru 46-2A-12, 46-2A-14, 46-2A-15, 46-2A-20, 46-2A-21, 46-2A-23; 46-5-1.1, 46-5-2 thru 46-5-26, 46-5-30.2 thru 46-5-30.4, 46-5-31, 46-5-32 thru 46-5-34.1, 46-5-38 thru 46-5-39, 46-5-46, 46-5-47, 46-5-49; 46-6-1 thru 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14, 46-6-21, 46-6-26; and Board Rules ARSD 74:02:01:01 thru 74:02:01:25.02; 74:02:01:35.01.

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Schlaak, Karen

From: Schlaak, Karen
Sent: Monday, January 9, 2023 2:20 PM
To: 'New Era'
Subject: 8614-3, Lewis & Clark RWS
Attachments: 8614-3public.wmb_final.docx; FORM8.FRM.doc

Attached is a notice to be published on January 19, 2023.

Lewis & Clark RWS, c/o Troy Larson, 46986 Monty St, Tea SD 57064 (605 368-2400) 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, January 9, 2023 2:21 PM
To: Canton Sioux Valley News (svn@midconetwork.com)
Subject: 8614-3, Lewis & Clark RWS
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Karen Schlaak

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



Schlaak, Karen

From: Schlaak, Karen
Sent: Monday, January 9, 2023 2:30 PM
To: Ann Koch (ann@madisondailyleader.com)
Subject: RE: 8614-3, Lewis & Clark RWS
Attachments: 8614-3public.wmb_final.docx; FORM8.FRM.doc

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Lewis & Clark RWS, c/o Troy Larson, 46986 Monty St, Tea SD 57064 (605 368-2400) has been notified to contact you to authorize publication and arrange for payment.

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Karen Schlaak

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



Schlaak, Karen

From: Schlaak, Karen
Sent: Monday, January 9, 2023 2:30 PM
To: Kelly Kronaizl
Subject: FW: 8614-3, Lewis & Clark RWS
Attachments: 8614-3public.wmb_final.docx; FORM8.FRM.doc

Attached is a notice to be published on January 20, 2023.

Lewis & Clark RWS, c/o Troy Larson, 46986 Monty St, Tea SD 57064 (605 368-2400) 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, January 9, 2023 2:32 PM
To: Salem Special (tschwans@triotel.net)
Subject: FW: 8614-3, Lewis & Clark RWS
Attachments: 8614-3public.wmb_final.docx; FORM8.FRM.doc

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Lewis & Clark RWS, c/o Troy Larson, 46986 Monty St, Tea SD 57064 (605 368-2400) 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, January 9, 2023 2:33 PM
To: 'legals@argusleader.com'
Subject: 8614-3, Lewis & Clark RWS
Attachments: 8614-3public.wmb_final.docx; FORM8.FRM.doc

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

Karen Schlaak

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



Schlaak, Karen

From: Schlaak, Karen
Sent: Monday, January 9, 2023 2:55 PM
To: Shannon Jost
Subject: FW: 8614-3, Lewis & Clark RWS
Attachments: 8614-3public.wmb_final.docx; FORM8.FRM.doc

Attached is a notice to be published on January 19, 2023 in the Leader-Courier.

Lewis & Clark RWS, c/o Troy Larson, 46986 Monty St, Tea SD 57064 (605 368-2400) 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>



RECEIVED

JAN 26 2023

OFFICE OF
WATER

Affidavit of Publication

STATE OF SOUTH DAKOTA
COUNTY OF TURNER

I, Michelle Stewart, of the City of Parker, County of Turner, State of South Dakota being first duly sworn on oath, deposes and says: The New Era is a weekly legal newspaper of general circulation, printed and published in the City of Parker, in said County of Turner, by The New Era, New Century Press, publishers, and has been such legal newspaper during the times here in after mentioned: that the said newspaper has been in existence as such legal newspaper for more than one year prior to the publication of the notice here unto attached, and has during all of said publication of the notice hereunto attached, and has during all of said time had, and now has, more than 200 bona fide subscribers: that the undersigned, the affiant, is the Office Manager of the said newspaper, in charge of the advertisement department thereof and has personal knowledge of all the facts stated in this affidavit and the advertisement headed:

N0119-2-Water Appropriation

once printed copy of hereto attached, is printed and published in the said newspaper for one successive week, one each week and on the same day of the week, on the following dates, to wit:

On Thursday, the 19th day of January 2023

That \$96.82 being the full amount of the fees for publication of the attached notices insure solely for the benefits of the publishers of the said newspaper, that no arrangement or understanding for a division thereof has been made with any other person and that no part thereof has been agreed to be paid to any other person whomsoever.

Michelle C. Stewart

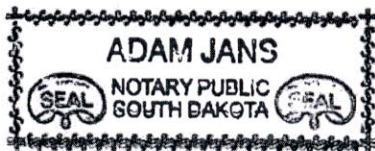
Subscribed and sworn to before me this 20th

Day of January 2023

Adam Jans

Notary Public, Turner County, South Dakota

My Commission Expires: 5-22-27



Publication Fee \$96.82
Notary Fees \$
Total \$96.82

NOTICE OF APPLICATION NO. 8614-3 to Appropriate Water

Notice is given that Lewis & Clark Regional Water System, c/o Troy Larson, Executive Director, 46986 Monty St, Tea S.D. 57064 has filed an application for a water permit. The system serves twenty public water systems located in Turner, Lincoln, Minnehaha, Clay, McCook, Union, and Lake Counties in South Dakota; Lyon, Sloux, Osceola, and O'Brien Counties in Iowa; Rock and Nobles Counties in Minnesota.

Application No. 8614-3 proposes to increase the annual volume of water by an additional 8,277 acre-feet annually from the existing Missouri Elk Point Aquifer well field located in N 1/2 (within Parcels X, Y, and Z except Lots H1 and except that part of Parcel Z, E of Lot H1) Sec. 15, W 1/2 (within Brewer Lot 1 and Blickle Lot 1) Sec. 22 and W 1/2 (within Brewer Lot 1 and Lot 2) Sec. 27; all in T32N-R4E of the 6th Prime Meridian (PM) commonly referred to as the Nebraska Survey. The water is for rural water system use in the counties described above. The well field is located approximately three miles southwest of Vermillion S.D.

South Dakota Codified Law (SDCL) 46-2A-4(10) provides that "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 Chief Engineer's recommendation and no hearing may be held before the board, unless the Chief Engineer makes a finding that an application, even if uncontested, presents important issues of public policy or public interest that should be heard by the board." In this case, the Chief Engineer finds that this application presents important issues of public interest that should be heard by the Water Management Board.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8614-3 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.

The Water Management Board will consider this application at 9:45 a.m. (Central Time) on March 8, 2023 in the Matthew Training Center, Joe Foss Bldg, 523 E. Capitol Ave., Pierre S.D. The Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny this application based on the facts presented at the public hearing.

Any person who intends to participate in the hearing 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 S.D. 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 January 30, 2023.

The petition shall be in writing and 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. The hearing is an adversary proceeding and any party has the right to be present at the hearing and to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised at the hearing and decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

The March 8, 2023 hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from the applicant or any person who

has filed a petition to oppose the application. The request for an automatic delay must be filed by January 30, 2023. If an automatic delay is requested, the hearing will be rescheduled for a future Board meeting and personal notice will be provided to the applicant and all petitioners regarding the time, date, and location.

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 January 30, 2023.

Notice is given to individuals with disabilities that this hearing is being held in a physically accessible place. Please notify the Department of Agriculture and Natural Resources at least 48 hours before the hearing if you have a disability for which special arrangements must be made at the hearing. The telephone number for making arrangements is (605) 773-3352.

Under SDCL 1-26-17(7) notices must state that "if the amount in controversy exceeds \$2,500.00 or if a property right may be terminated, any party to the contested case may require the agency to use the Office of Hearing Examiners by giving notice of the request to the agency no later than ten days after service of a notice of hearing issued pursuant to SDCL 1-26-17." This is a Notice of Hearing, service is being provided by publication, and the applicable date to give notice to the Chief Engineer is January 30, 2023. However, since this particular matter is a water permit application and not a monetary controversy in excess of \$2,500.00 or termination of a property right the Chief Engineer disputes the applicability of this provision and maintains that the hearing must be conducted by the Board.

As applicable, the following provides the legal authority and jurisdiction under which the hearing will be held and the particular statutes and rules pertaining to this application: SDCL 1-26-16 thru 1-26-28; SDCL 46-1-1 thru 46-1-9, 46-1-13 thru 46-1-16; 46-2-3.1, 46-2-9, 46-2-11, 46-2-17; 46-2A-1 thru 46-2A-12, 46-2A-14, 46-2A-15, 46-2A-20, 46-2A-21, 46-2A-23; 46-5-1.1, 46-5-2 thru 46-5-26, 46-5-30.2 thru 46-5-30.4, 46-5-31, 46-5-32 thru 46-5-34.1, 46-5-38 thru 46-5-39, 46-5-46, 46-5-47, 46-5-49; 46-6-1 thru 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14, 46-6-21, 46-6-26; and Board Rules ARSD 74:02:01:01 thru 74:02:01:25.02; 74:02:01:35.01.

Published once at the total approximate cost of \$96.85.
(N0119-2)

Affidavit of Publication

STATE OF SOUTH DAKOTA
COUNTY OF LINCOLN

TERESA ZOMER

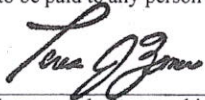
being first duly sworn on his oath says; that the Sioux Valley News is a legal weekly newspaper of general circulation as required by South Dakota Code of Nineteen Hundred Thirty-Nine, and any acts amendatory thereto, printed and published by the Sioux Valley News, Inc., in Canton, in said county and State, and has been such legal newspaper during the time hereinafter mentioned; that he is and during all of said time was publisher of said newspaper and has personal knowledge of the facts stated in this affidavit; that the advertisement headed:

Notice of Application Lewis & Clark Regional Water

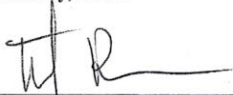
a printed copy of which is hereto attached, was printed and published in said newspaper for ONE successive week(s) upon the following dates, to-wit:

January 19, 2023

that the full amount of the fees charged for publishing the same to-wit: the sum of \$84.24 inures solely to the benefit of the publishers of said newspaper; that no agreement or understanding for any division of this sum has been made with any other person; and that no part of said sum has been agreed to be paid to any person whomsoever.



Ascribed and sworn to before me this 19th day of
January, 2023.



Notary Public, South Dakota



My Commission Expires
January 12, 2024

Notice of Application

NOTICE OF APPLICATION NO. 8614-3 to Appropriate Water

Notice is given that Lewis & Clark Regional Water System, c/o Troy Larson, Executive Director, 46986 Monty St, Tea SD 57064 has filed an application for a water permit. The system serves twenty public water systems located in Turner, Lincoln, Minnehaha, Clay, McCook, Union, and Lake Counties in South Dakota; Lyon, Sioux, Osceola, and O'Brien Counties in Iowa; Rock and Nobles Counties in Minnesota.

Application No. 8614-3 proposes to increase the annual volume of water by an additional 8,277 acre-feet annually from the existing Missouri Elk Point Aquifer well field located in N 1/2 (within Parcels X, Y, and Z except Lots H1 and except that part of Parcel Z, E of Lot H1) Sec. 15, W 1/2 (within Brewer Lot 1 and Bickel Lot 1) Sec. 22 and W 1/2 (within Brewer Lot 1 and Lot 2) Sec. 27; all in T32N-R4E of the 6th Prime Meridian (PM) commonly referred to as the Nebraska Survey. The water is for rural water system use in the counties described above. The well field is located approximately three miles southwest of Vermillion SD.

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Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8614-3 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 at this information, or other information, at the Water Rights Program address provided below.

The Water Management Board will consider this application at 9:45 AM (Central Time) on March 8, 2023 in the Matthew Training Center, Joe Foss

Bldg, 523 E. Capitol Ave., Pierre SD. The Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny this application based on the facts presented at the public hearing.

Any person who intends to participate in the hearing 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 January 30, 2023.

The petition shall be in writing and 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. The hearing is an adversary proceeding and any party has the right to be present at the hearing and to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised at the hearing and decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

The March 8, 2023 hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from the applicant or any person who has filed a petition to oppose the application. The request for an automatic delay must be filed by January 30, 2023. If an automatic delay is requested, the hearing will be rescheduled for a future Board meeting and personal notice will be provided to the applicant and all

petitioners regarding the time, date, and location.

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 January 30, 2023.

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Under SDCL 1-26-17(7) notices must state that "if the amount in controversy exceeds \$2,500.00 or if a property right may be terminated, any party to the contested case may require the agency to use the Office of Hearing Examiners by giving notice of the request to the agency no later than ten days after service of a notice of hearing issued pursuant to SDCL 1-26-17." This is a Notice of Hearing, service is being provided by publication, and the applicable date to give notice to the Chief Engineer is January 30, 2023. However, since this particular matter is a water permit application and not a monetary controversy in excess of \$2,500.00 or termination of a property right the Chief Engineer disputes the applicability of this provision and maintains that the hearing must be conducted by the Board.

As applicable, the following provides the legal authority and jurisdiction under which the hearing will be held and the particular statutes and rules pertaining to this application: SDCL 1-26-16 thru 1-26-28; SDCL 46-1-1 thru 46-1-9, 46-1-13 thru 46-1-16; 46-2-3.1, 46-2-9, 46-2-11, 46-2-17; 46-2A-1 thru 46-2A-12, 46-2A-14, 46-2A-15, 46-2A-20, 46-2A-21, 46-2A-23; 46-5-1.1, 46-5-2 thru 46-5-26, 46-5-30.2 thru 46-5-30.4, 46-5-31, 46-5-32 thru 46-5-34.1, 46-5-38 thru 46-5-39, 46-5-46, 46-5-47, 46-5-49; 46-6-1 thru 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14, 46-6-21, 46-6-26; and Board Rules ARSD 74:02:01:01 thru 74:02:01:25:02; 74:02:01:35:01.

Published in the Sioux Valley News on January 19, 2023 at the total approximate cost of \$84.24 and may be viewed free of charge at www.sdpublicnotices.com.

RECEIVED

JAN 30 2023

OFFICE OF
WATER

Argus Leader

P.O. Box 677349, Dallas, TX 75267-7349

Account No.: 6053682400

Ad No.: 0005552949

PO #:

Lines : 305

Ad Total: \$89.09

LEWIS & CLARK RWS
46986 MONTY ST
TEA, SD 57064

This is not an invoice

of Affidavits: 1

Account No.: 6053682400

Ad No.: 0005552949

Argus Leader AFFIDAVIT OF PUBLICATION

State of Wisconsin

County of Brown

I being duly sworn, says: That The Argus Leader is, and during all the times hereinafter mentioned was, a daily legal newspaper published at Sioux Falls, Minnehaha County, South Dakota; that affiant is and during all of said times, was an employee of the publisher of such newspaper and has personal knowledge of the facts stated in this affidavit; that the notice, order or advertisement, a printed copy of which is hereto attached, was published in said newspaper issue(s) :

Thursday, January 19, 2023

Sworn to and subscribed before me this 30 day of January, 2023.

Legal Clerk

Notary Public, State of Wisconsin, County of Brown

8-21-26
My Commission expires

NICOLE JACOBS
Notary Public
State of Wisconsin

NOTICE OF
APPLICATION NO. 8614-3
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1/2 (within Brewer Lot 1 and
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South Dakota Codified Law
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Engineer makes a finding
that an application, even if
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board." In this case, the
Chief Engineer finds that
this application presents
important issues of public
interest that should be
heard by the Water
Management Board.

Pursuant to SDCL 46-2A-2,
the Chief Engineer
recommends APPROVAL of
Application No. 8614-3 with
qualifications because 1)
unappropriated water is
available, 2) existing
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water rights will not be
unlawfully impaired, 3) It is
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The Chief Engineer's

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AFFIDAVIT OF PUBLICATION

State of South Dakota)

:ss

County of Union)

Shannon L. Jost,

the publisher of the Leader-Courier, deposes and says that

The Leader-Courier

is a legal weekly newspaper of a general circulation, printed and published in Elk Point, County of Union, State of South Dakota, and has been such legal newspaper during the time hereinafter mentioned, and that affiant is and was during all the time hereinafter mentioned in charge of the advertising department thereof, and has personal knowledge of all the facts stated in this affidavit: and that the notice and advertisement headed:

8614-3 Appropriate Water

Troy Larson

a printed copy of which is hereunto attached and made a part hereof, was printed and published in the said newspaper at least once in

each week for 1 successive weeks; that said newspaper at the time of the first publication of said notice hereinafter stated, had, and still has, a bona fide circulation of over two hundred paid copies weekly, and had been published in the said County of Union for more than one year immediately prior to the date of the said publication of said notice, and that said newspaper during said times, was, and is, printed in part in an office maintained at said city of Elk Point, the said place of publication; that the first publication of said notice in said newspaper was

on Thursday, the 19 day of January, 2023

and that the succeeding publications were

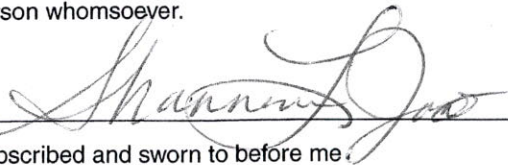
on Thursday, the _____ day of _____, _____

on Thursday, the _____ day of _____, _____

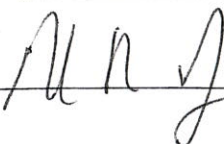
on Thursday, the _____ day of _____, _____

that the fees for the printing and publishing of said notice and advertisement in said newspaper as aforesaid were

\$ 81.64, that the full amount of the fee charged insures to the benefit of the publisher of the said newspaper, that no agreement or understanding for the division thereof has been made with any other person and that no part thereof has been agreed to be paid to any other person whomsoever.


Subscribed and sworn to before me.

this 19 day of January, 2023



Notary Public

RECEIVED

JAN 30 2023

OFFICE OF
WATER

NOTICE OF APPLICATION NO. 8614-3 TO APPROPRIATE WATER

Notice is given that Lewis & Clark Regional Water System, c/o Troy Larson, Executive Director, 46986 Monty St, Tea SD 57064 has filed an application for a water permit. The system serves twenty public water systems located in Turner, Lincoln, Minnehaha, Clay, McCook, Union, and Lake Counties in South Dakota; Lyon, Sioux, Osceola, and O'Brien Counties in Iowa; Rock and Nobles Counties in Minnesota.

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South Dakota Codified Law (SDCL) 46-2A-4(10) provides that "if the applicant does not contest the recommendation of

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Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8614-3 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.

The Water Management Board will consider this application at 9:45 AM (Central Time) on March 8, 2023 in the Matthew



My Commission Expires August 08-2028

Training Center, Joe Foss Bldg, 523 E. Capitol Ave., Pierre SD. The Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny this application based on the facts presented at the public hearing.

Any person who intends to participate in the hearing 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

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Publish January 19, 2023

Published once at the total approximate cost of \$81.64 and may be viewed free of charge at www.sdpublicnotices.com 3-4-253

AFFIDAVIT OF PUBLICATION

RECEIVED

JAN 27 2023

STATE OF SOUTH DAKOTA)
) ss.
 County of Lake)

**OFFICE OF
WATER**

Michelle Albers, of the City of Madison, County of Lake, State of South Dakota, being first duly sworn on oath, deposes and says:

The Madison Daily Leader is a daily legal newspaper of general circulation, printed and published in the City of Madison, in said County of Lake, by Wick Communications, Michelle Albers, Business Manager, and has been such legal newspaper during the times hereinafter mentioned; That the said Madison Daily Leader has been in existence as such legal newspaper for more than one year prior to the publication of the notice hereunto attached, and has during all of said time had, and how has, more than 200 bona fide subscribers; that the undersigned, the affiant, is the Business Manager of the said newspaper, a member of the Daily Leader staff thereof, and has personal knowledge of all the facts stated in this affidavit and the advertisement headed

NTC-APP #8614-3 APT WATE
 DANR - LEWIS & CLARK

printed copy of which hereunto attached, was printed and published in the said newspaper for 1 successive week(s), once each week and on the same day of the week, on the following dates, to-wit:

01/19/2023

That \$ 86.27 being the full amount of the fees for publication of the attached notice inures solely for the benefit of the publication of the said newspaper; that no arrangement or understanding for a division thereof has been made with any other person and that no part thereof has been agreed to be paid to any other person whomsoever.

Michelle Albers

Subscribed and sworn before me this 20th day of

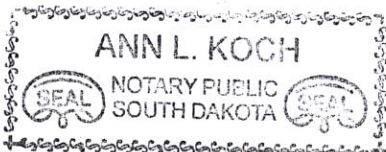
January, 2023

Publication Fees ----- \$ _____

Notary Fees ----- \$ _____

Total ----- \$ _____

Received Payment,



Ann L. Koch
 Notary Public, Lake County, South Dakota
 Exp. 11-14-25

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Published Jan. 19, 2023 at the total approximate cost of \$86.27 and may be viewed free of charge at www.sdpublicnotices.com

AFFIDAVIT OF PUBLICATION

PLAIN TALK

TROY LARSON
46986 MONTY STREET
TEA SD 57064

RECEIVED

JAN 23 2023

OFFICE OF
WATER

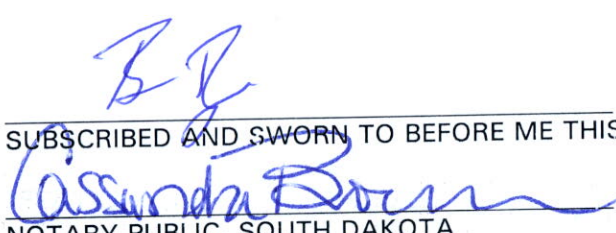
STATE OF SOUTH DAKOTA
COUNTY OF CLAY

BETH RYE, BEING FIRST DULY SWORN ON OATH DEPOSES
AND SAYS THAT (S)HE IS THE ADVERTISING DIRECTOR OF YANKTON
MEDIA INC, A CORPORATION, THE PRINTER AND THE PUBLISHER OF THE
PLAIN TALK, A LEGAL WEEKLY NEWSPAPER PUBLISHED AND CIRCULATED
IN THE CITY OF VERMILLION, SAID COUNTY AND STATE, AND ONE OF
THE OFFICIAL NEWSPAPERS OF THE SAID COUNTY OF FACTS STATED IN
THIS AFFIDAVIT; THAT THE ANNEXED
NOTICE OF APPLICATION NO.

TAKEN FROM THE PAPER, IN WHICH IT WAS LAST PUBLISHED IN THE
NEWSPAPER ON THE 20th DAY OF January, 2023
THAT THE FULL AMOUNT OF THE FEE CHARGED FOR THE PUBLICATION
OF SAID NOTICE TO WIT \$76.48 ENSURES TO THE
BENEFITS OF THE PUBLISHER OF SAID NEWSPAPER AND THAT NO
AGREEMENT AND 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.

PUBLISHED ON: 01/20/2023

FILED ON: 01/20/2023


SUBSCRIBED AND SWORN TO BEFORE ME THIS 20th DAY OF January, 2023

NOTARY PUBLIC, SOUTH DAKOTA
MY COMMISSION EXPIRES 07/04/2026

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Published January 20, 2023.

RECEIVED

JAN 27 2023

Form 8

OFFICE OF
WATER

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County of McCook) SS

I, Troy Schwans
certify that the attached printed Notice was taken
from the The Special

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

January 19, 2023

Cost of Printing 84.31

Troy Schwans
(Signature)

Editor
(Title)

1/25/23
(Date Signed)

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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 January 30, 2023.

Notice is given to individuals with disabilities that this hearing is being held in a physically accessible place. Please notify the Department of Agriculture and Natural Resources at least 48 hours before the hearing if you have a disability for which special arrangements must be made at the hearing. The telephone number for making arrangements is (605) 773-3352.

Under SDCL 1-26-17(7) notices must state that "if the amount in controversy exceeds \$2,500.00 or if a property right may be terminated, any party to the contested case may require the agency to use the Office of Hearing Examiners by giving notice of the request to the agency no later than ten days after service of a notice of hearing issued pursuant to SDCL 1-26-17." This is a Notice of Hearing, service is being provided by publication, and the applicable date to give notice to the Chief Engineer is January 30, 2023. However, since this particular matter is a water permit application and not a monetary controversy in excess of \$2,500.00 or termination of a property right the Chief Engineer disputes the applicability of this provision and maintains that the hearing must be conducted by the Board.

As applicable, the following provides the legal authority and jurisdiction under which the hearing will be held and the particular statutes and rules pertaining to this application: SDCL 1-26-16 thru 1-26-28; SDCL 46-1-1 thru 46-1-9, 46-1-13 thru 46-1-16; 46-2-3.1, 46-2-9, 46-2-11, 46-2-17; 46-2A-1 thru 46-2A-12, 46-2A-14, 46-2A-15, 46-2A-20, 46-2A-21, 46-2A-23; 46-5-1.1, 46-5-2 thru 46-5-26, 46-5-30.2 thru 46-5-30.4, 46-5-31, 46-5-32 thru 46-5-34.1, 46-5-38 thru 46-5-39, 46-5-46, 46-5-47, 46-5-49; 46-6-1 thru 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14, 46-6-21, 46-6-26; and Board Rules ARSD 74:02:01:01 thru 74:02:01:25.02; 74:02:01:35.01.

Published once at the total approximate cost of \$84.31 and may be viewed free of charge at www.sdpublicnotices.com.

Schlaak, Karen

From: Schlaak, Karen
Sent: Monday, January 9, 2023 3:48 PM
To: tlaron@lcrws.org
Cc: Becky Baker
Subject: Water Permit Application No. 8614-3
Attachments: 4622.pdf

Attached is a copy of the report, chief engineer recommendation and information regarding the public notice for your water permit application. As stated in the letter, please contact the papers as soon as possible to authorize publication and arrange for payment. This information is being mailed to you tomorrow. Please forward as you think necessary.

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

APR 19 2023

Lewis & Clark Regional Water System
Troy Larson
46986 Monty Street
Tea SD 57064

Dear Mr. Larson:

Enclosed is Water Permit No. 8614-3 authorizing construction of the water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

Form 10, *Notice of Completion of Works and Application of Water to Beneficial Use*, is enclosed. Please return this completed form after you have finished the system and have put the water to beneficial use. An investigation can then be scheduled so the water license may be issued, thus completing the acquisition of a water right.

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

Sincerely,

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

enclosures



**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.: 8614-3

Name of Applicant: Lewis and Clark Regional Water System, Troy Larson

Date of Posting: 1/17/2023

Date of Removal: 4/19/2023



Ron Duvall, Water Rights Permitting Administrator

4/18/23

Date

Subscribed and sworn to before me, a notary public, this 18th day of April, 2023.



Notary Public - South Dakota
My commission expires:

