

WATER PERMIT NO. 8800-3

Name of Applicant: Simplot AB Retail, Inc. dba Simplot Grower Solutions

Address: 1099 W Front Street, Boise ID 83702 Phone: 208-780-0233

Amount of Water Claimed: 0.33 cfs Total Acres: N/A

Source of Water Supply: Groundwater

Water to be used for: Industrial County: Spink

Type of Waste Disposal System:

Location: 11 miles south of Redfield SD

PRIORITY Date Received: 9-28-2023

Application/License Fee: \$700.00

Corrected Application Received: 10-3-2023

Period of Annual Use: January 1 – December 31

Remarks:

Diversion Point: NW 1/4 NW 1/4 Sec 11-T114N-R64W

Land to be Irrigated: N/A

Depth of Well: 1,000

Well Driller:

Remarks:

Type of Map: aerial

11

Reviewed and the Number Assigned on: 10-5-2023

By: **Rachel Rodriguez**

Notice of Hearing - date to intervene: _____

**SOUTH DAKOTA
WATER PERMIT NO. 8800-3**

Date of first receipt of application September 28, 2023.

Date of return to applicant for corrections, amendments or changes October 2, 2023.

Date of receipt of corrected application October 3, 2023.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 8800-3 to Simplot AB Retail, Inc., dba Simplot Grower Solutions, 1099 W Front Street, Boise ID 83702 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. 8800-3 appropriates up to 7 acre-feet of water annually at a maximum pump rate of 0.33 cubic feet of water per second from one well to be completed into the Dakota Aquifer (approximately 1,000 feet deep) located in the NW 1/4 NW 1/4 Section 11-T114N-R64W to be used for industrial purposes. This site is located approximately 2 miles south of Tulare SD.
2. The water appropriated shall be used for the purpose of industrial 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 of approval of Permit No. 8800-3 is December 11, 2023.
5. The date from which applicant may claim right is September 28, 2023.
6. One-fifth of the construction is to be completed on or before June 11, 2026.
7. All construction is to be completed on or before December 11, 2028.
8. Water is to be put to beneficial use on or before December 11, 2032.
9. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. The well approved under Water Permit No. 8800-3 is located near domestic wells and other wells which may obtain water from the same aquifer. Water withdrawals shall be controlled so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The well authorized by Permit No. 8800-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
3. The well approved under this Permit shall be valved and the flow reduced to the amount needed or to a minimum when not being used. If this well is abandoned or the Permit cancelled, the well must be plugged in accordance with Water Management Board Rules, Chapter 74:02:04.

(continued)

4. The Permit holder shall report to the Chief Engineer annually the amount of water withdrawn from the Dakota aquifer.
5. Water Permit No. 8800-3 appropriates up to 7 acre-feet of water annually.

WATER MANAGEMENT BOARD

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

DEC 29 2023
date



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

RECEIVED

SEP 28 2023

OFFICE OF
WATER

Mail to: SD DANR, Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. <u>8800-3</u> Hydrologic Unit <u>10160006</u> Basin <u>Middle James</u> Newspaper <u>Redfield Press</u> <u>Plainsman</u> (office use only)
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Application for Permit to Appropriate Water in South Dakota

Check use(s) of water:

☐
☐
☐

Municipal
Rural Water System
Domestic (over 18 gpm)

☐
☐
☒

Water Distribution System
Commercial
Industrial

☐
☐
☐

Recreational
Fish & Wildlife
Other

☐
☐

Institutional
Geothermal

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 Simplot AB Retail, Inc. dba Simplot Grower Solutions
Mailing Address 1099 W. Front Street Boise ID 83702
(Address) (City) (State) (Zip Code)
Phone (208) 780-0233 Mobile (208) 600-2987 Email paul.simpson@simplot.com
- Amount of water claimed 0.33 *CFS or 150 **GPM and 7 ***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 Dakota Formation Aquifer
- Location of point of diversion NW1/4NW1/4 of section 11 in T14N R64W Garfield Township
(example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) County Spink
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 Spink County
- Annual period during which water is to be used Year-Round Jan - Dec 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)

I, Paul Simpson Paul Simpson Sr. Manager Retail Ops, the applicant, certify under
Name of Person Title (if applicable)

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

2021-08

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

James H. Dwyer

CFO & Treasurer, Simplot AB Retail, Inc. 10/03/2023

Supplemental Information

(type or print)

1. Well Information (check one or both as applicable) ☒ Drilling new well(s) ☐ Using existing well(s)

- a) If new wells, how many 1 Have test holes been drilled? ☐ Yes ☒ No Drilled by _____
(if yes, please provide copies of logs)
- b) If existing wells, how many _____ Provide copy of log(s), if available. Drilled by _____

For either existing or proposed wells:

- c) Well Depth (required) 1,000 Depth to Top of Water Bearing Material _____ Depth to Water from Surface _____
- d) Distance to nearest domestic well on applicant's property see note Property owned by others _____

NOTE: Simplot has applied for Mid-Dakota water connection for the office and bathroom.

2. Wastewater Disposal System Information

- a) Type of System (i.e. septic tank, drain field) Drain Field
- b) System Capacity (gallons) _____ Year Constructed 2023 or 2024 TBD.
- c) Connected to the City of N/A Sanitary System

3. Dugout Information

- a) Surface Dimensions _____ Depth _____
- b) Depth to water (ground surface to water level) _____

4. Water Storage Dams

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

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

b) Freeboard _____

c) Crest Width _____

Crest Length _____

d) Height _____

e) Primary Outlet Capacity _____

If pipe, diameter _____

f) Secondary Spillway Capacity _____

Spillway Width _____

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

Upstream _____

Downstream _____

h) Area of Impoundment _____

i) Storage _____ Acre Feet

j) Drainage Area Above Dam _____ Acres

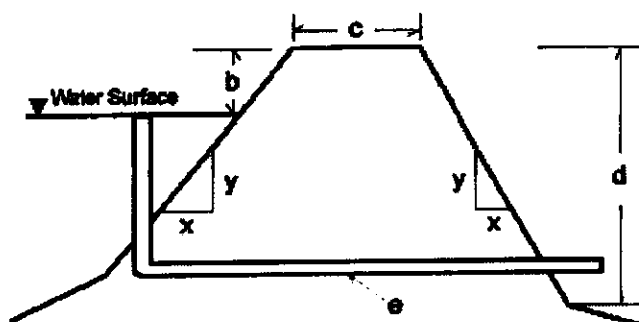


EXHIBIT A

Real Property Legal Description

Spink County Parcel No. 002874, in the NW¼NW¼ of Section 11, Township 114 North Range 64 West

Parcel approximately outlined in blue below.

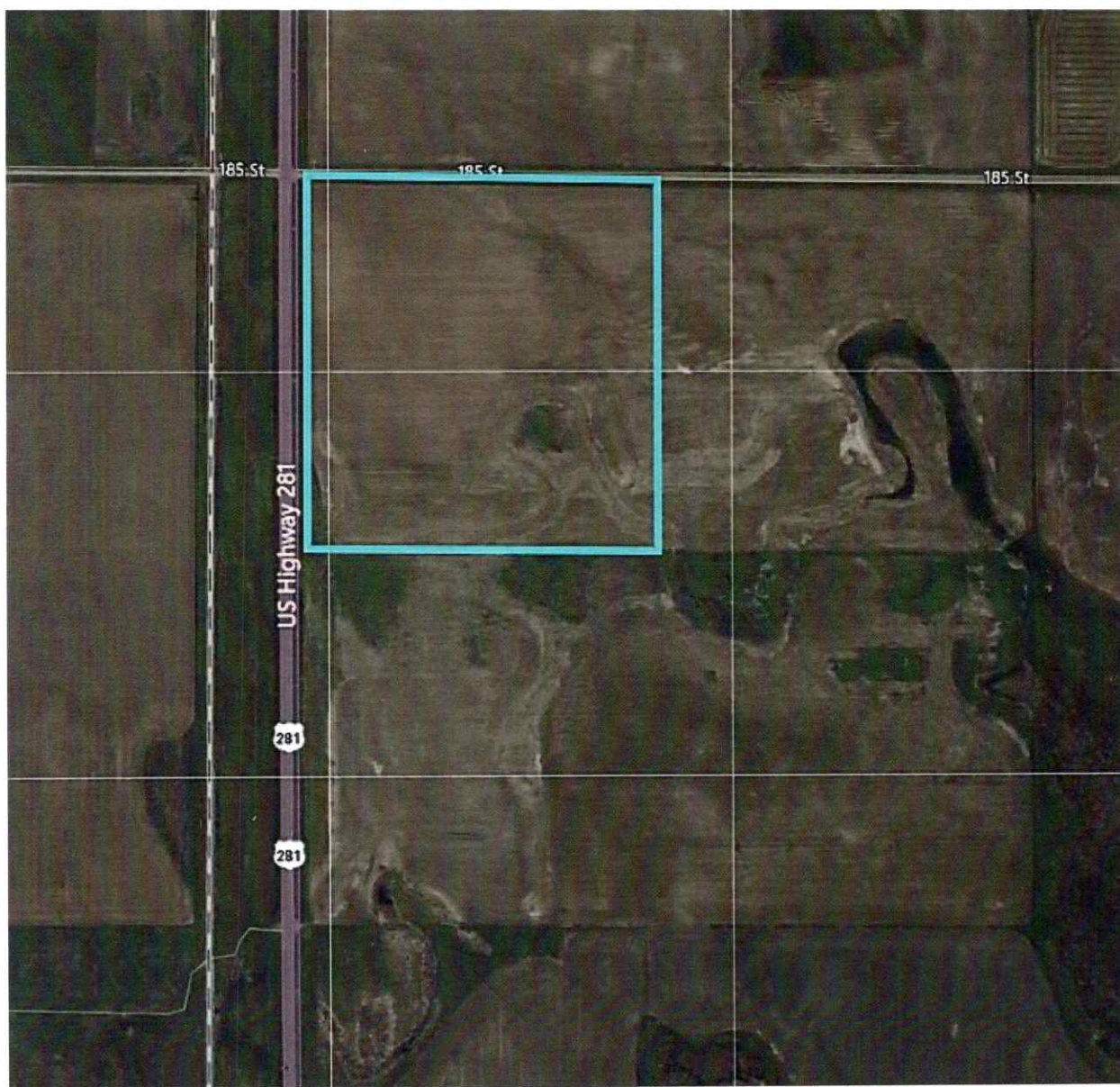


EXHIBIT A

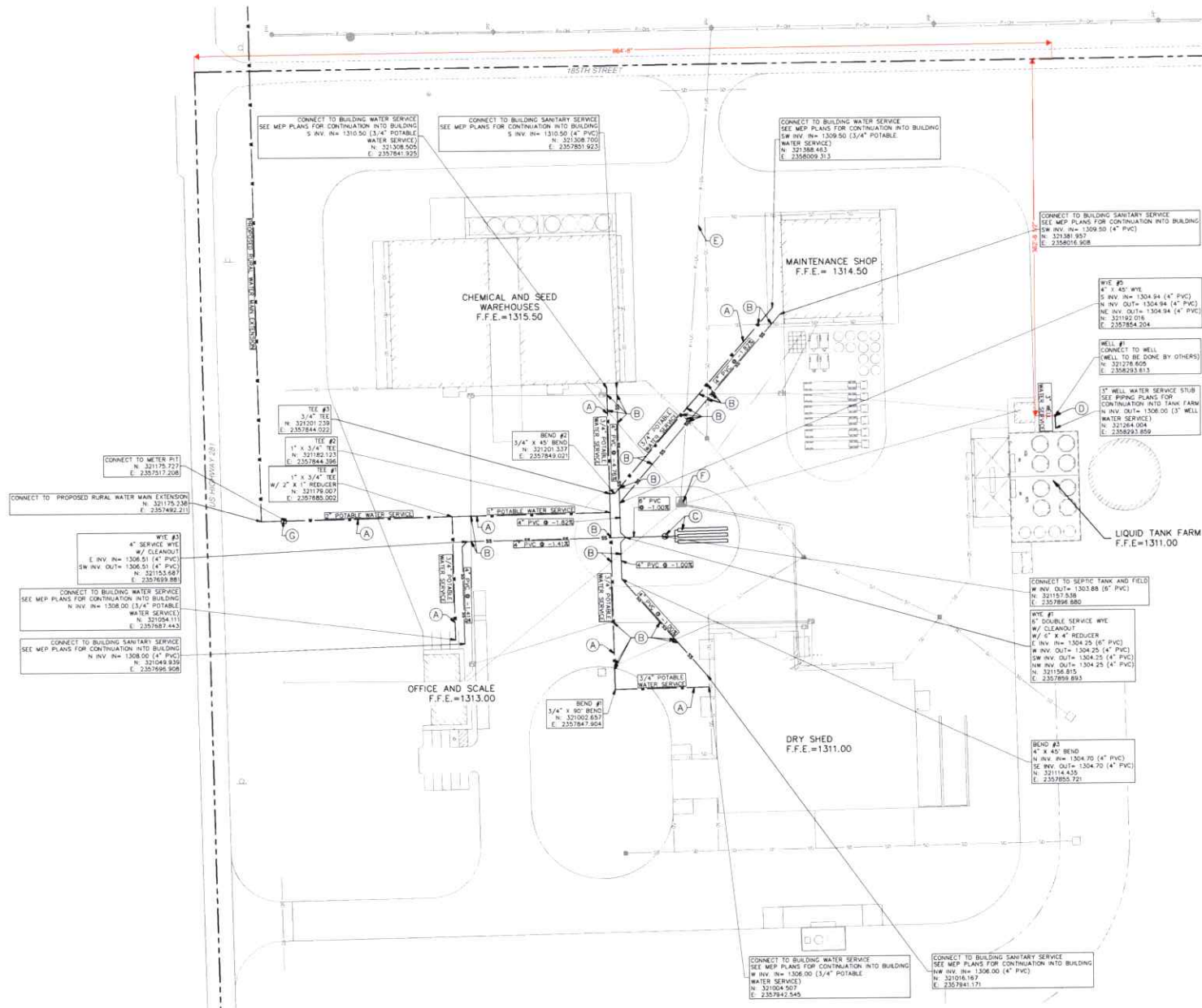
Real Property Legal Description

Spink County Parcel No. 002874, in the NW¼NW¼ of Section 11, Township 114 North Range 64 West

Parcel approximately outlined in blue below.



SIMPLIT - TULARE, SD
UTILITY PLAN



- (A) MAINTAIN REQUIRED VERTICAL COVER, PER LOCAL CODE
- (B) MAINTAIN 18" OF VERTICAL SEPARATION
- (C) SEPTIC TANK AND FIELD, (TO BE DONE BY OTHERS)
- (D) PROPOSED WELL LOCATION, (TO BE DONE BY OTHERS)
- (E) PROPOSED PRIMARY UNDERGROUND POWER ROUTING, (TO BE DONE BY LOCAL PROVIDER)
- (F) PROPOSED TRANSFORMER LOCATION, (SEE SITE ELECTRICAL PLAN FOR SIZE AND EXACT LOCATION)
- (G) PROPOSED METER PIT LOCATION

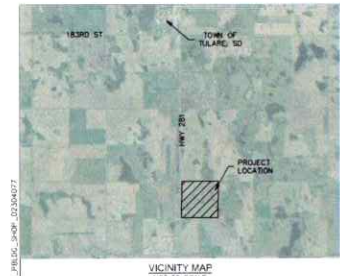
— — — — — PROPERTY LINE
 — W — W — PROPOSED WATER SERVICE
 — SS — SS — PROPOSED SANITARY SERVICE

18732
Taylor, Kate
9-20-23
SOUTH DAKOTA

--	--

ULARE, SD

SHEET
C4.1



SIMPLOT - TULARE, SD SITE PLAN



ENGINEER
OLSSON
601 P STREET SUITE 200
LINCOLN, NE 68508
CONTACT: BRIAN LANG
BLANGU@OLSSON.COM
(402) 458-5691

PROPERTY OWNER
SIMPLOT
PO BOX 27
BOISE, ID 83707
CONTACT: DEREK COUSE
DEREK.COUSE@SIMPLOT.COM
(986) 200-5915

- LEGEND**
- PROPERTY LINE
 - ROW LINE
 - RETENTION POND
 - PROPOSED BUILDING

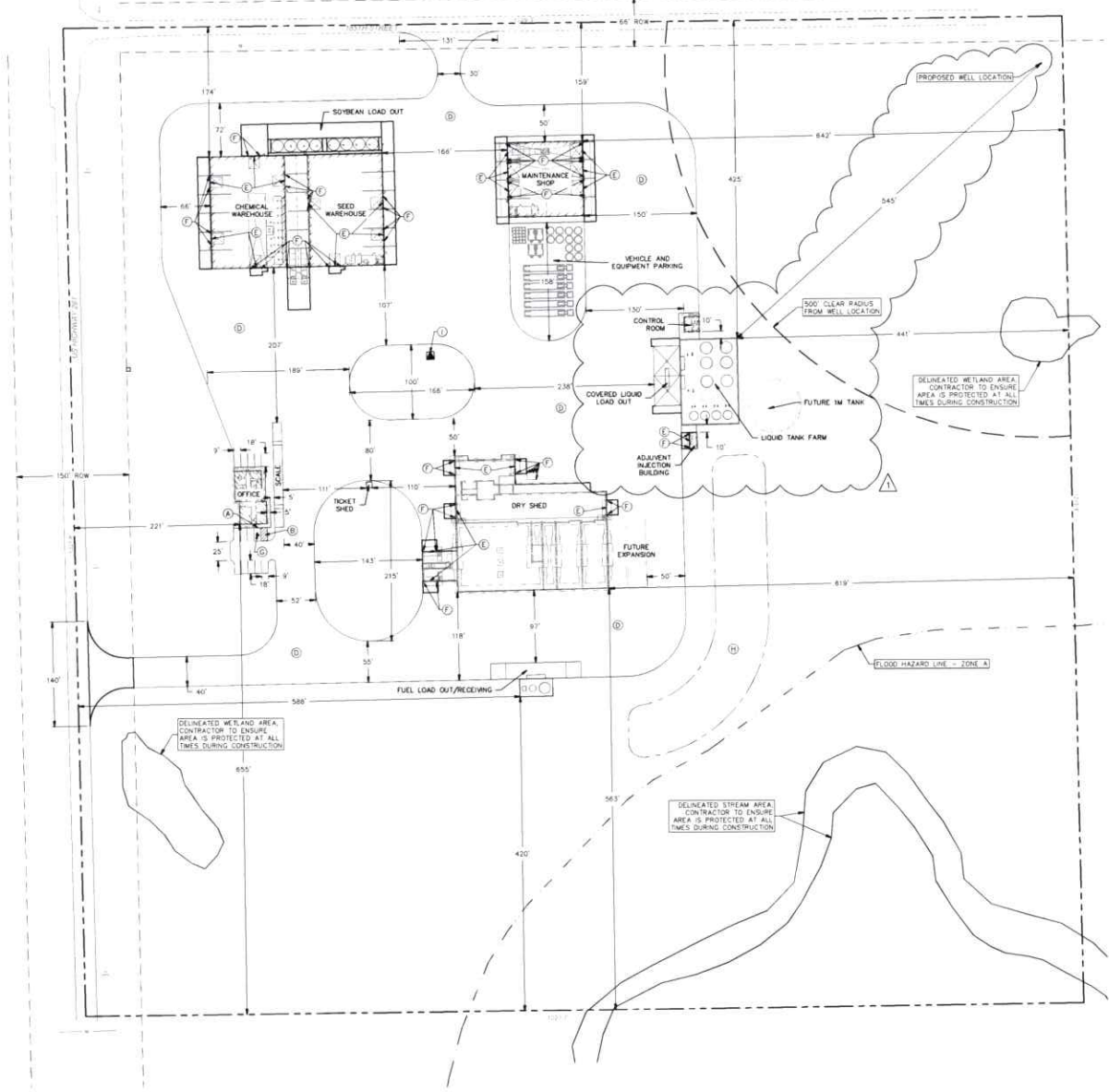
- FLAG NOTES**
- A INSTALL HANDICAP PARKING SIGN (SEE DETAIL SHEET)
 - B 4" WIDE WHITE PAINTED STRIPING TO BE AT 45° AT 18" OC
 - C PROPOSED 9" AGGREGATE SURFACING (SEE DETAIL SHEET)
 - D OVERHEAD DOOR (SEE ARCHITECTURAL PLANS FOR EXACT LOCATION AND DETAILS)
 - E PROPOSED BOLLARDS (SEE ARCHITECTURAL PLANS FOR EXACT LOCATION, SEE DETAIL SHEET FOR CONSTRUCTION DETAIL)
 - F CONTRACTOR TO INSTALL ADA ACCESSIBLE PAVEMENT MARKINGS PER LOCAL CODE (SEE DETAIL SHEET)
 - G PROPOSED RETENTION POND (SEE GRADING PLAN FOR DETAILS)
 - H PROPOSED TRANSFORMER LOCATION (SEE SITE ELECTRICAL PLAN FOR SIZE AND EXACT LOCATION)

NOTE

- CONCRETE FOR SIDEWALKS SHALL BE INSTALLED SO THAT A 2% CROSS-SLOPE IS NOT EXCEEDED.
- CONTRACTOR SHALL REFER TO ARCHITECTURAL PLANS FOR PRECISE BUILDING DIMENSIONS AND EXACT UTILITY LOCATIONS.

PARKING INFORMATION

- ADA STALLS = 1
- TOTAL STALLS = 13



olsson
Engineering - Nebraska
P.O. Box 1000
Lincoln, NE 68508
TEL: 402.474.6371 www.olsson.com



DATE	DESCRIPTION

2023

SITE PLAN
SIMPLOT - TULARE, SD

TULARE, SD

Drawn by: [Signature]
Checked by: [Signature]
Approved by: [Signature]
Project No.: 2023-001
Revision No.: 1.0
Date: 10/10/2023

SHEET
C2.0

From: Van Bockel, Jenny
Sent: Thursday, September 28, 2023 1:53 PM
To: Rodriguez, Rachel
Subject: FW: [EXT] Merchant Email Receipt

-----Original Message-----

From: Auto-Receipt <noreply@mail.authorize.net>
Sent: Thursday, September 28, 2023 1:52 PM
To: Van Bockel, Jenny <Jenny.VanBockel@state.sd.us>; Keiser, Darcy <Darcy.Keiser@state.sd.us>; Weber, Amber <Amber.Weber@state.sd.us>; Bigby, Beth <Beth.Bigby@state.sd.us>
Subject: [EXT] Merchant Email Receipt

===== SECURITY STATEMENT =====

It is not recommended that you ship product(s) or otherwise grant services relying solely upon this e-mail receipt.

===== GENERAL INFORMATION =====

Merchant : DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES (1869311) Date/Time : 28-Sep-2023 13:52:03 CDT

===== ORDER INFORMATION =====

Invoice :
Description : Water Rights Application Permit Fee Amount : 717.50 (USD) Payment Method: Visa xxxx8803 Transaction Type: Authorization and Capture

===== Line Items =====

===== RESULTS =====

Response : This transaction has been approved.
Auth Code : 040557
Transaction ID : 80039596021
Address Verification : Street Address: No Match -- First 5 Digits of Zip: Match

===== CUSTOMER BILLING INFORMATION =====

Customer ID :
First Name : Paul
Last Name : Simpson
Company :
Address :
City :
State/Province :
Zip/Postal Code : 83702
Country :
Phone :
Fax :
E-Mail : paul.simpson@simplot.com



531877566

ANNUAL REPORT

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

Foreign Business Corporation
SDCL 59-11-24, 24.1

2023
FILING YEAR

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

Filing Fee: \$50

Total Fee: \$50

1. Business ID and Name:

FB167352
BUSINESS ID

Simplot AB Retail, Inc.
BUSINESS NAME

2. The jurisdiction under whose law it is formed **DELAWARE**

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

Actual Street Address

**1099 W. FRONT STREET
BOISE, ID 83702**

Mailing Address

**P.O. BOX 27
BOISE, ID 83707**

4. The South Dakota Registered Agent's Name:

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

(b) The South Dakota Commercial Registered Agent's name & CRA#

CRA: **CORPORATION SERVICE COMPANY (0000003)**

Actual Street Address in this State

**503 S PIERRE ST
PIERRE, SD 57501-4522**

Mailing Address in this State

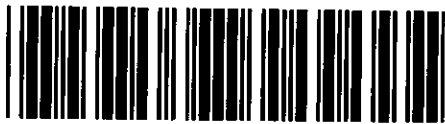
5. The names and business addresses of its principal officers.

Title	Name	Address
President	T. Troy Bolt	1099 W. Front Street, Boise, ID 83702
Treasurer	Jana Owens	1099 W. Front Street, Boise, ID 83702
Secretary	James B. Alderman	1099 W. Front Street

6. The names and business addresses of its directors (governors).

Name	Address
Douglas M. Stone	1099 W. Front Street, Boise, ID 83702
T. Troy Bolt	1099 W. Front Street, Boise, ID 83702
Jana Owens	1099 W. Front Street, Boise, ID 83702

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



No person may execute this report knowing it is false in any material respect. Any violation may be subject to a civil and/or criminal penalty (SDCL 47-1A-129; 22-39-36).

06/07/2023

Dated

Email (Optional)

James B. Alderman

Signature of an Authorized Person

James B. Alderman

Printed Name

B0270-5556 06/07/2023 12:35PM Rec'd by SD SOS

Rodriguez, Rachel

From: Simpson, Paul <paul.simpson@simplot.com>
Sent: Thursday, October 19, 2023 2:54 PM
To: Rodriguez, Rachel
Subject: RE: [EXT] Application for Water Permit - Tulare, SD / Simplot AB Retail, Inc.
Attachments: Site Plan 10-12-23.pdf

Good Afternoon Rachel,

Attached is an updated site plan with our proposed well location in the top right of the property. There's 545 feet clear radius from the well to any structures.

Please let me know if there's anything you need to complete our application.

Thanks,

Paul

Paul Simpson
Senior Manager Retail Operations
Simplot Grower Solutions
(208) 780-0233 Office
(208) 600-2987 Cell

From: Owens, Jana <jana.owens@simplot.com>
Sent: Tuesday, October 3, 2023 5:16 PM
To: Simpson, Paul <paul.simpson@simplot.com>
Cc: Rodriguez, Rachel <rachel.rodriquez@state.sd.us>
Subject: RE: Application for Water Permit - Tulare, SD / Simplot AB Retail, Inc.

Good afternoon – I have added my approval signature at the bottom of the first page. Thanks, Jana

Best Regards,
Jana L. Owens
VP Finance AgriBusiness
J.R. Simplot Company
Office: 208-780-7383
Mobile: 208-391-9340



From: Simpson, Paul <paul.simpson@simplot.com>
Sent: Monday, October 2, 2023 11:38 AM
To: Owens, Jana <jana.owens@simplot.com>
Cc: Rodriguez, Rachel <rachel.rodriquez@state.sd.us>
Subject: Application for Water Permit - Tulare, SD / Simplot AB Retail, Inc.

Jana,

Rachel Rodriguez of South Dakota Water Rights Program, needs your Signature or Statement of Authority for Simplot AB Retail's Ground Water Rights application for the new facility well at Tulare, SD.

Thank you,

Paul

Paul Simpson

Senior Manager Retail Operations
Simplot Grower Solutions
(208) 780-0233 Office
(208) 600-2987 Cell

From: Rodriguez, Rachel <Rachel.Rodriguez@state.sd.us>
Sent: Monday, October 2, 2023 10:08 AM
To: Simpson, Paul <paul.simpson@simplot.com>
Subject: [EXTERNAL] RE: Application for Water Permit

[Warning: External Email]

Excellent! Do you have a statement of authority from one of the persons listed in the attached document? If not, DANR will need the application to be signed by a listed partner or a statement of authority that the person signing the application has the authority to act on behalf of Simplot AB Retail, Inc. on all matters involving the water permit application.

Thank you,

Rachel Rodriguez
DANR | Program Assistant
Rachel.Rodriguez@state.sd.us



From: Simpson, Paul <paul.simpson@simplot.com>
Sent: Monday, October 2, 2023 10:49 AM
To: Rodriguez, Rachel <Rachel.Rodriguez@state.sd.us>
Subject: [EXT] Application for Water Permit

Rachel,

Our Engineer inserted the red X of the proposed well site.

Thanks,

Paul

Paul Simpson

Senior Manager Retail Operations
Simplot Grower Solutions
(208) 780-0233 Office
(208) 600-2987 Cell

From: Rodriguez, Rachel <Rachel.Rodriguez@state.sd.us>

Sent: Monday, October 2, 2023 8:58 AM

To: Simpson, Paul <paul.simpson@simplot.com>

Subject: [EXTERNAL] Application for Water Permit

[Warning: External Email]

Good morning Paul,

In looking at the map you submitted, I do not see the location of the well. Attached is the map you submitted, please mark the location of the well with an "X" and return to me.

Thank you,

Rachel Rodriguez
DANR | Program Assistant
Rachel.Rodriguez@state.sd.us



Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Monday, October 2, 2023 11:08 AM
To: Simpson, Paul
Subject: RE: [EXT] Application for Water Permit
Attachments: Simplot.pdf

Excellent! Do you have a statement of authority from one of the persons listed in the attached document? If not, DANR will need the application to be signed by a listed partner or a statement of authority that the person signing the application has the authority to act on behalf of Simplot AB Retail, Inc. on all matters involving the water permit application.

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Rachel Rodriguez
DANR | Program Assistant
Rachel.Rodriguez@state.sd.us



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To: Rodriguez, Rachel <Rachel.Rodriguez@state.sd.us>
Subject: [EXT] Application for Water Permit

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Paul

Paul Simpson
Senior Manager Retail Operations
Simplot Grower Solutions
(208) 780-0233 Office
(208) 600-2987 Cell

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Sent: Monday, October 2, 2023 8:58 AM

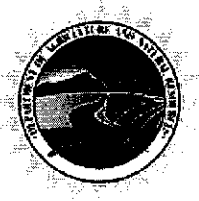
To: Simpson, Paul <paul.simpson@simplot.com>
Subject: [EXTERNAL] Application for Water Permit

[Warning: External Email]
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Thank you,

Rachel Rodriguez
DANR | Program Assistant
Rachel.Rodriguez@state.sd.us





**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 8800-3, Simplot AB Retail, Inc. dba Simplot Grower Solutions**

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. 8800-3, Simplot AB Retail, Inc. dba Simplot Grower Solutions, 1099 W Front Street, Boise ID 83702.

The Chief Engineer is recommending APPROVAL of Application No. 8800-3 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 well approved under Water Permit No. 8800-3 is located near domestic wells and other wells which may obtain water from the same aquifer. Water withdrawals shall be controlled so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The well authorized by Permit No. 8800-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
3. The well approved under this Permit shall be valved and the flow reduced to the amount needed or to a minimum when not being used. If this well is abandoned or the Permit cancelled, the well must be plugged in accordance with Water Management Board Rules, Chapter 74:02:04.
4. The Permit holder shall report to the Chief Engineer annually the amount of water withdrawn from the Dakota aquifer.
5. Water Permit No. 8800-3 appropriates up to 7 acre-feet of water annually.

See report on application for additional information.

Eric Gronlund, Chief Engineer
November 14, 2023

NOTE: Any well constructed for this project must meet the adequate well definition as set forth in ARSD 74:02:04:20(6) and cannot use the alternative well construction standard ARSD 74:02:04:35.

Report to the Chief Engineer
On Water Permit Application No. 8800-3
Simplot AB Retail, Inc. dba Simplot Grower Solutions

November 15, 2023

Water Permit Application No. 8800-3 proposes to appropriate an amount of water not to exceed 7 acre-feet annually at a maximum instantaneous diversion rate of 0.33 cubic feet per second (cfs) from one well to be completed into the Dakota aquifer (approximately 1,000 feet deep) located in the NW ¼ NW ¼ of Section 11-T114N-R64W to be used for industrial purposes. The site of interest is located in Spink County approximately two miles south of Tulare, SD.

AQUIFER: Dakota (DKOT)

HYDROGEOLOGY:

The Dakota Formation is defined as the first relatively continuous sandstone below the Greenhorn Limestone, and it extends downward to the top of the Skull Creek Shale in western and central South Dakota (Schoon, 1971). In eastern South Dakota, the Skull Creek Shale is not continuous and when absent, the Dakota Formation directly overlies Precambrian bedrock or the Inyan Kara Group (Schoon, 1971). In western South Dakota, a stratigraphically equivalent formation to the Dakota Formation is the Newcastle Formation, which has outcrops in the Black Hills (Bredehoeft, et al., 1983). In South Dakota, the Dakota Formation has been subdivided into three units (Schoon, 1971). The upper unit consists of light brown to reddish-brown, fine to medium grained, friable sandstone, interbedded with gray to dark gray shale. Thin, discontinuous beds of lignite are present in the lower part of the upper unit. The middle unit consists of a gray silty clay with small siderite pellets disseminated throughout. The lower unit consists of medium to coarse grained sandstone (Schoon, 1971).

The Dakota aquifer is comprised of the saturated and permeable portions of the Dakota Formation and is primarily a confined bedrock aquifer throughout most of South Dakota (Schoon, 1971; Water Rights 2023b and 2023d). Schoon (1971) estimated the Dakota Formation underlies 66,500 square miles of South Dakota and has an average thickness of 150 feet. The amount of water stored in the Dakota aquifer can be estimated by assuming 15% porosity for the Dakota Formation (Schoon, 1971), multiplied by the average thickness (150 feet) and the areal extent (66,500 square miles or 42.5 million acres) of the aquifer to calculate approximately 960 million acre-feet of stored water in South Dakota.

In Spink County, the average saturated thickness of the Dakota aquifer is approximately 170 feet, with a documented maximum aquifer thickness of approximately 370 feet (Benson, 1997). The depth to Dakota aquifer materials ranges from approximately 740 to 1,000 feet below the ground surface (Benson, 1997). The static water level in wells completed into the Dakota aquifer varies from approximately 65 feet below the ground surface to flowing (Benson, 1997). In Spink County, Benson (1997) estimated the Dakota aquifer to underlie approximately 1,500 square miles, or 960,000 acres, and contain approximately 32.6 million acre-feet of recoverable water in

storage. The Dakota aquifer is generally under confined conditions (Benson, 1997; Water Rights, 2023b and 2023d).

No water well or test hole completion report was submitted with Water Permit Application No. 8800-3. Water well completion reports on file with the DANR-Water Rights Program for wells completed into the Dakota aquifer within approximately two miles of the proposed diversion point have saturated aquifer thicknesses ranging from approximately 200 to 250 feet, with the depth to the top of aquifer materials ranging from approximately 800 to 950 feet below the ground surface, and static water levels at well completion recorded as flowing (Water Rights, 2023d). The Dakota aquifer is expected to be confined at the proposed diversion point based on the well completion reports on file for nearby wells completed into the aquifer (Water Rights, 2023d).

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

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

WATER AVAILABILITY:

Water Permit Application No. 8800-3 proposes to appropriate water from the Dakota aquifer. The probability of unappropriated water being available from the aquifer can be evaluated by considering SDCL 46-6-3.1, which requires “No application to appropriate groundwater may be approved if, according to the best information reasonably available, it is probable that the quantity of water withdrawn annually from a groundwater source will exceed the quantity of the average estimated annual recharge of water to the groundwater source. An application may be approved, however, for withdrawals of groundwater from any groundwater formation older than or stratigraphically lower than the greenhorn formation in excess of the average estimated annual recharge for use by water distribution systems.” The Dakota aquifer is older than and stratigraphically lower than the Greenhorn Formation (Fahrenbach et al., 2010); however, the applicant’s proposed use is not for use in a water distribution system as defined by SDCL 46-1-6(17). Therefore, the average annual recharge and average annual withdrawal rates to and from the Dakota aquifer must be considered.

OBSERVATION WELL DATA:

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

Observation wells provide data on how the aquifer reacts to regional climatic conditions and local pumping. The DANDR-Water Rights Program monitors 46 observation wells completed into the Dakota aquifer (Water Rights, 2023b). The four closest observation wells to the proposed diversion point are HD-87A (approximately 30 miles southwest), ED-85A (approximately 52 miles northwest), AU-89A (approximately 75 miles south), and BL-83A (approximately 76 miles southwest) (as shown in Figure 5) (Water Rights, 2023b). The hydrographs for these observation wells are displayed in Figures 1 to 4 (Water Rights, 2023b). The data points utilized to construct the hydrographs are measurements of the static water level in the observation wells from the top of the well casing.

The hydrographs for the observation wells shown in Figures 1, 3, and 4 display slightly downward trending water levels over their respective periods of record (Water Rights, 2023b). While the overall trend in the historic static water level measurements in the Dakota aquifer observation wells is generally slightly downward, observation well ED-85A (approximately 52 miles northwest of the proposed diversion point) completed into the Dakota aquifer has recorded a trend that has been stable to slightly increasing from 1991 to 2017 (Figure 2) (Water Rights, 2023b). An aquifer pumping test at the well was the cause for the drawdown in hydraulic head that occurred in 2018 (Figure 2) (Water Rights, 2023b). The last water level measurement in observation well HD-87A occurred in August 2019 due to current access issues caused by a dam washout (Water Rights, 2023b).

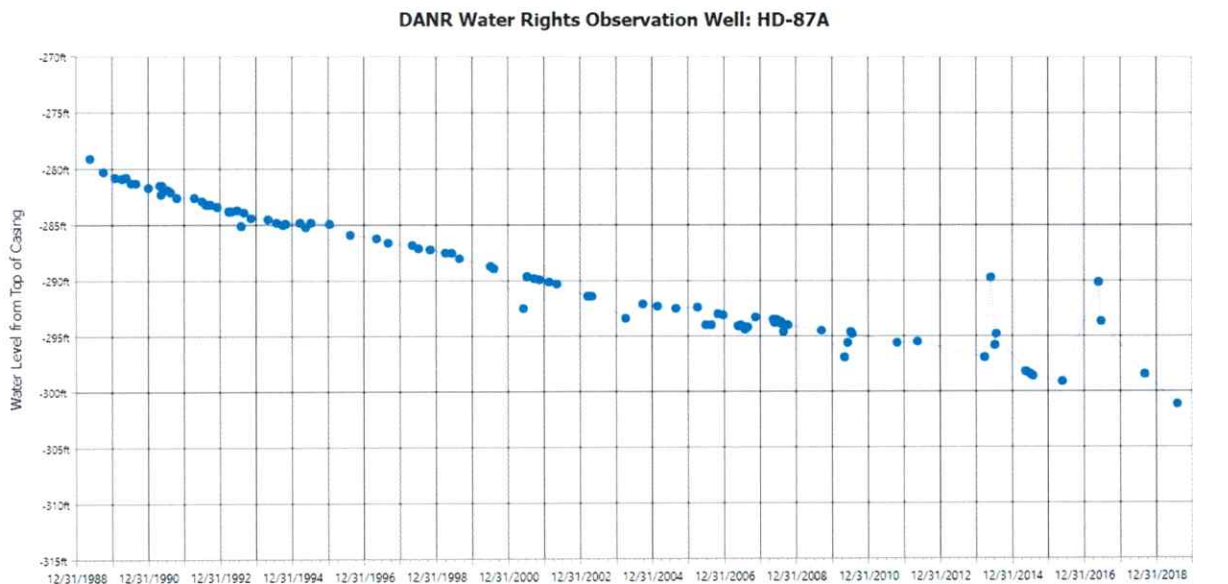


Figure 1. Hydrograph for observation well HD-87A (Water Rights, 2023b)

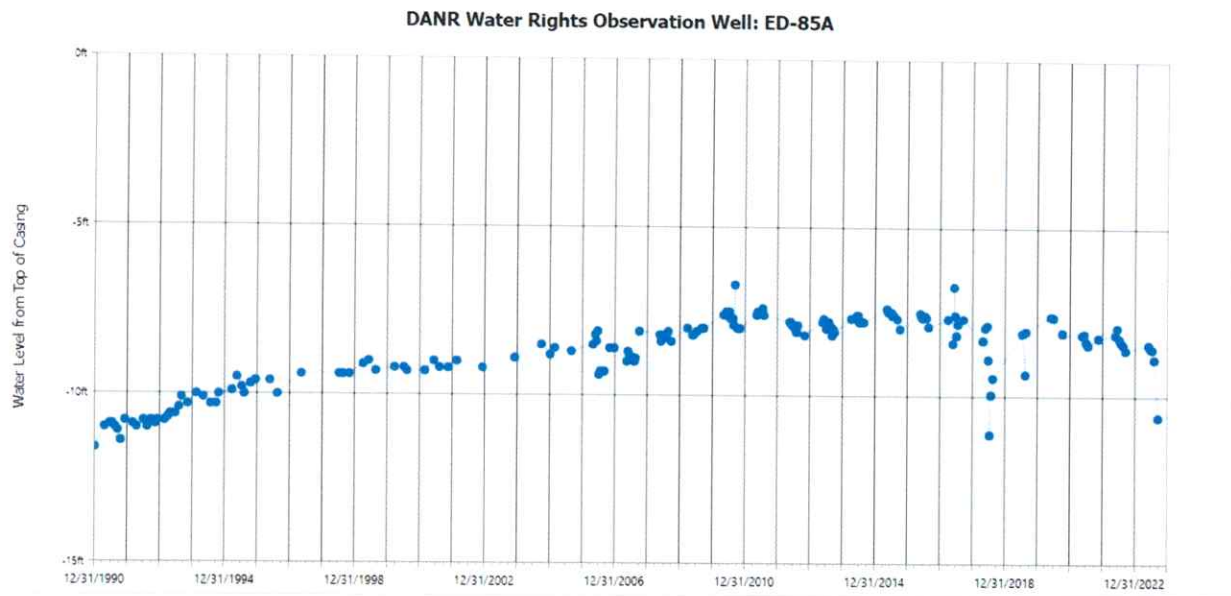


Figure 2. Hydrograph for observation well ED-85A (Water Rights, 2023b)

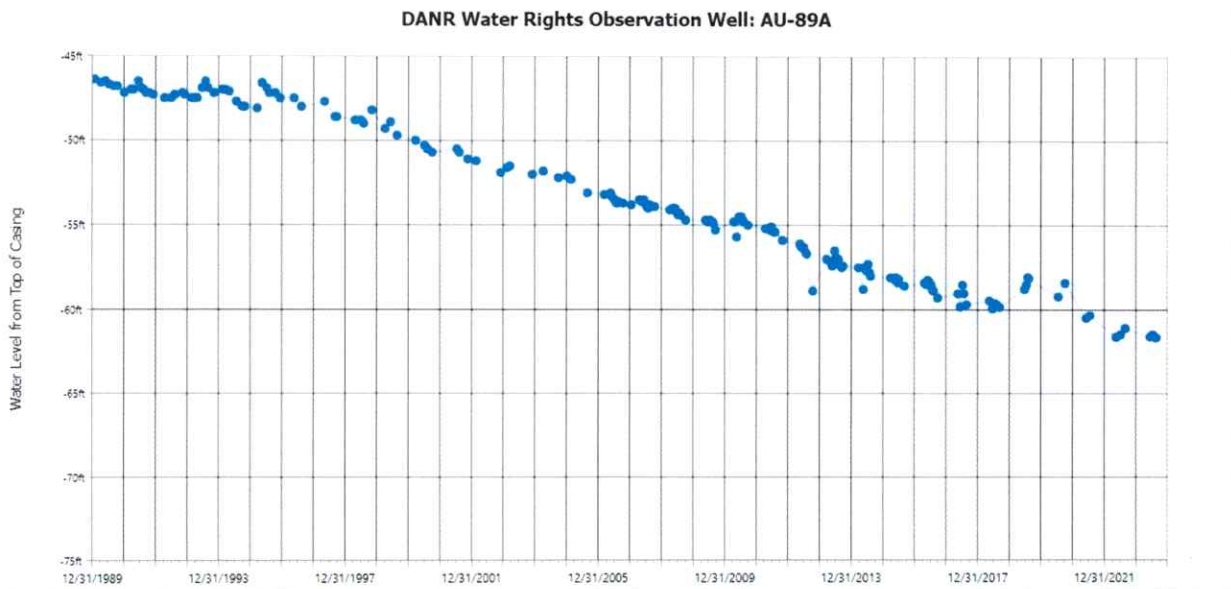


Figure 3. Hydrograph for observation well AU-89A (Water Rights, 2023b)

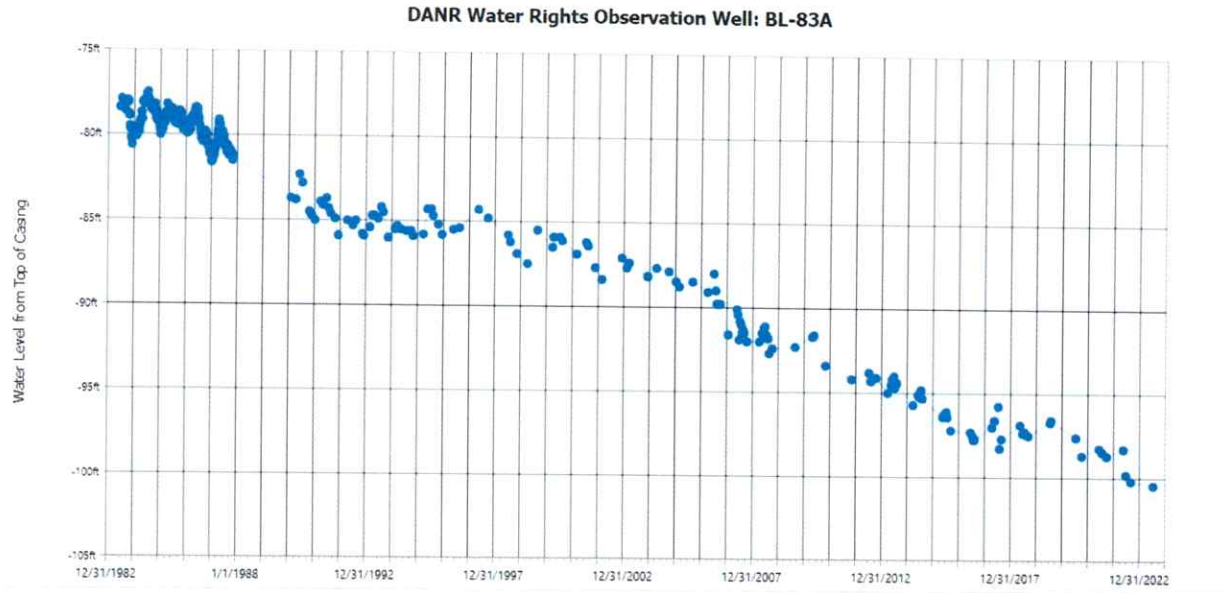


Figure 4. Hydrograph for observation well BL-83A (Water Rights, 2023b)

In addition to the observation well hydrographs, a record of the potentiometric surface is shown through historical accounts. Schoon (1971) developed maps of the potentiometric surface of the Dakota aquifer using data modified from Darton (1909), from the State Engineer's office for the period 1914 to 1915, and from a compilation of many reports over the period of 1936 to 1953. Wells that have been completed into the Dakota aquifer in roughly the past thirty years and within approximately five miles of the proposed diversion point were used to approximate the current potentiometric surface conditions (Table 1) (Water Rights, 2023d).

Table 1. Historic and current approximate water level elevations near the proposed diversion point (Schoon, 1971; Water Rights, 2023d)

Data Source	Year(s)	<i>Approximate potentiometric surface in the vicinity of the existing well (fmsl)</i>
Schoon (1971), after Darton	1909	1,700 to 1,725
Schoon (1971), State Engineer's Office	1914-1915	1,350 to 1,400
Schoon (1971)	1936-1953	1,350 to 1,400
Well Logs Database	1990-Present	1,300 to 1,330

Throughout South Dakota, most of the hydrographs for observation wells completed into the Dakota aquifer, and the potentiometric surface measurements of the Dakota aquifer show a decreasing trend in hydraulic head (Water Rights, 2023b). A decline in water levels in a confined aquifer does not necessarily indicate a significant decrease in water stored in the aquifer, as water levels above the top of the aquifer materials are representative of the hydraulic head (water pressure) inside the aquifer. Additionally, there are uncontrolled, flowing wells discharging water from the Dakota aquifer at ground surface, and it is expected water from the aquifer is also being discharged to other aquifers if wells completed into the Dakota aquifer have experienced casing failure.

Concerns have developed over time about the decline in artesian head pressure of the Dakota aquifer. Schoon (1971) stated, “The fact that withdrawal from the artesian system exceeds recharge is clearly demonstrated by declining pressures.” However, the Water Management Board has found that past declines of the potentiometric surface (as shown on Table 1) do not automatically constitute that withdrawals have exceeded recharge (Water Rights, 1987). The Board has concluded that withdrawals exceeding the average annual recharge cannot be determined based solely upon a decline in head pressure, and in theory the Dakota aquifer head pressure is stabilizing relative to withdrawals and discharges (Water Rights, 1987). Since discharge from uncontrolled flowing wells is likely to continue until water levels in the aquifer decline to being at or below the ground surface and continuing to allow beneficial pumping to occur reduces the amount of water being discharged to waste, the Water Management Board’s decision to optimize development of the Dakota aquifer is favorable to issuance of permits to appropriate water for beneficial uses. Therefore, there is a reasonable probability unappropriated water from the Dakota aquifer is available for the proposed appropriation.

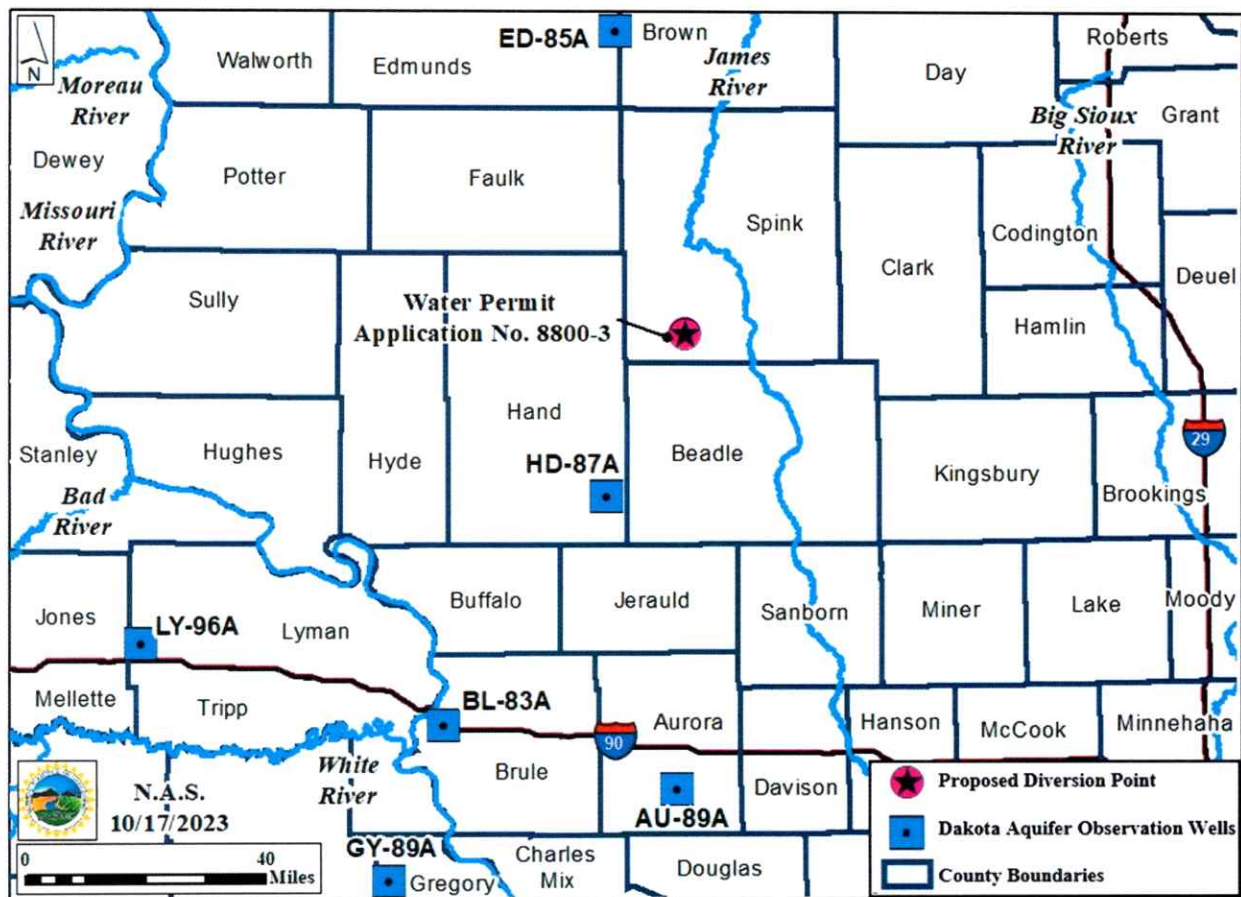


Figure 5. Location of the proposed diversion point for Water Permit Application No. 8800-3 with the Dakota aquifer observation wells within approximately 100 miles (Water Rights, 2023b)

HYDROLOGIC BUDGET:

Recharge

Recharge to the Dakota aquifer in South Dakota occurs through upward leakage from underlying aquifers with higher artesian pressure than the Dakota aquifer, downward seepage from overlying confining layers, and through the infiltration of precipitation on the Newcastle Formation outcrops in the Black Hills (Bredehoeft, et al., 1983; Water Rights, 2023b). Using computer modeling, Bredehoeft, et al. (1983) attempted to match Darton's (1909) potentiometric surface map of the Dakota aquifer to develop a recharge estimate of approximately 79.4 cfs (57,500 acre-feet per year) before well development began. However, many assumptions used in Bredehoeft, et al.'s (1983) recharge estimate were incorrect and outdated. For example, assuming steady-state flow conditions between aquifers is unrealistic of real-world conditions and the recharge estimates used for the Madison and Inyan Kara aquifers in Bredehoeft, et al.'s (1983) analysis are much lower than estimates measured by more recent research (Carter, et al., 2002). While Bredehoeft, et al.'s (1983) estimate can provide a scale of the Dakota aquifer's recharge rate, it cannot be used as an exact value for water management purposes. As the physical properties of aquifers and the locations where adjacent aquifers are in contact with each other are relatively undefined among many other factors, it is unknown whether the true recharge rate of the Dakota aquifer is higher or lower than Bredehoeft et al.'s (1983) estimate.

Discharge

Discharge from the Dakota aquifer in South Dakota occurs through well withdrawals, uncontrolled flowing wells and outflow through corroded well casings, and outflow to overlying adjacent aquifers because of higher artesian pressure in the Dakota aquifer (Bredehoeft, et al., 1983; Water Rights, 2023b and 2023d).

Currently, there are 258 water rights/permits appropriating water from the Dakota aquifer within South Dakota, plus two pending applications – Nos. 8781-3 and 8783-3 (Water Rights, 2023c). Water Permit Application No. 8781-3 requests to irrigate 45.5 acres in Lincoln County and Water Permit Application No. 8783-3 requests to appropriate up to 2.3 acre-feet per year for commercial use (Water Rights, 2023c). The estimated use for these pending applications will be included in the non-irrigation and irrigation sections of this analysis. Additionally, there are seven future use permits reserving water from the Dakota aquifer (Water Rights, 2023c). For the purpose of estimating average annual withdrawals, the seven future use permits are assumed to be fully developable for a total of 4,287 acre-feet per year (Table 2).

Table 2. Future use permits reserving water from the Dakota aquifer (Water Rights, 2023c)

Future Use Permit Holder	Amount of Reserved Water (acre-ft)
City of Canton (1262C-3, 5219-3)	1,849
City of Lennox (5101-3, 5101A-3)	0*
South Lincoln RWS (4817-3)	1,448
Lincoln RWS (5155-3)	440
City of Harrisburg (8400-3)	550
Total:	4,287
RWS: Rural Water System, *The City of Lennox has allocated the water they had reserved	

Of the 258 Dakota aquifer water rights/permits, 20 are for irrigation use and 238 are for non-irrigation use, plus two pending applications (Water Rights, 2023c). Table 3 summarizes the 238 non-irrigation water rights/permits (plus one pending non-irrigation application) authorized to appropriate water from the Dakota aquifer with the estimated annual use for each water right/permit as determined by their limiting diversion rate or annual volume. The use type determined for each water right/permit was based on the primary use categorized for each water right/permit as some permits have additional uses (Water Rights, 2023c). Historically, average water use by non-irrigation appropriations limited by an instantaneous diversion rate have been assumed to be pumping 60% of full time at the respective permitted diversion rate. Water rights/permits limited by an annual volume are assumed to withdraw their entire respective annual volume limitation. This is a standard method used by the DANR-Water Rights Program for estimating annual withdrawals by non-irrigation appropriations from an aquifer (Water Rights, 2023c).

Fifteen non-irrigation water rights/permits on Table 3 are authorized to withdraw from one or more aquifers, in addition to the Dakota aquifer. For the purpose of estimating average annual withdrawals, the non-irrigation water rights/permits that have a specified volume out of their entire appropriated volume that is authorized only for their Dakota aquifer well(s) are assumed to withdraw their full specified volume permitted only for their Dakota aquifer well(s). The remaining non-irrigation water rights/permits that do not have a certain diversion rate or volume designated for what each well from each aquifer is authorized to divert are assumed to be withdrawing their entire appropriated volume from the Dakota aquifer.

Additionally, the municipal water rights/permits that are authorized to appropriate water from the Dakota aquifer, that are identified as being connected to a rural water system (RWS) and likely maintain their wells for standby purposes (Drinking Water Program, 2023; Water Rights, 2023c); as such, the average annual water use for these water rights has been estimated to be zero acre-feet per year on Table 3. Overall, the average annual withdrawal rate for the Dakota aquifer non-irrigation water rights/permits is approximately 22,452 acre-feet per year (Table 3) (Water Rights, 2023c).

Table 3. Summary of the non-irrigation water rights/permits authorized to appropriate from the Dakota aquifer with estimated annual use determined by their respective diversion rate or annual volume, including one pending application (Drinking Water Program, 2023; Water Rights, 2023c)

Use Type	No. of Water Rights/Permits	Appropriation for Water Rights/Permits limited by Volume (acre-feet/year)	Appropriation for Water Rights/Permits limited by Diversion Rate (cfs)	Total Estimated Use (acre-feet/year)
RWS	6	2,005	2.2	2,961
SHD	7		3.33	1,447
REC	3	3.1	0.45	199
COM	109	2,032	11.48	7,020
DOM	11		1.753	762
FWP	4		2.73	1,187
GEO	2		2.33	1,013
INS	2		1.34	582
IND	6	160	0.84	527
MUN	89	3,274	8.01	6,755
TOTAL:	239	7,474	34.46	22,452
RWS: Rural Water System, SHD: Suburban Housing Development, REC: Recreation, COM: Commercial, DOM: Domestic, FWP: Fish & Wildlife Propagation, GEO: Geothermal, INS: Institutional, IND: Industrial, MUN: Municipal				

As development of the Dakota aquifer has increased over time, some of the appropriations have been made by rural water systems that are required to report their annual withdrawal rate (Water Rights, 2023c). The withdrawals that are annually reported from the Dakota aquifer by some appropriative users (South Lincoln RWS, Clay RWS, and Lincoln County RWS) are shown in Table 4 (Water Rights, 2023c and 2023f). The reported withdrawals by the RWS users listed on Table 4 are for comparison purposes only to show historically the average annual use has been less than the volume that is estimated on Table 3 (Water Rights, 2023c and 2023f). The reported annual withdrawal rate for two water rights/permits authorized for commercial and domestic use was also included on Table 4. The estimated use calculated on Table 3 for the water rights/permits that are required to report will be used in the analysis.

Report on Water Permit Application No. 8800-3

Table 4. Non-irrigation rural water system water rights/permits required to report their respective annual use from the Dakota aquifer (Water Rights, 2023c and 2023f)

	South Lincoln RWS	Clay RWS	Lincoln County RWS	Lakeview Hutterian Brethren	Michael J. Slama
	5647-3, 6300-3, 6490-3, 6778A-3	5997B-3	5156-3	8464-3	8252-3
2003	725				
2004	904				
2005	769				
2006	863	72			
2007	860	126			
2008	863	124	0		
2009	773	119	0		
2010	775	122	0		
2011	785	116	0		
2012	865	186	0		
2013	765	155	0		
2014	739	148	0		
2015	711.5	141	0		
2016	640	163	0		
2017	643	201	0		
2018	503	170	0		
2019	562	162	0		
2020	530	197	0		19.3
2021	588	194.7	0	40	19.3
2022	969	215	0	23.6	19.3
Max	969	215	0	40	19.3
Min	503	72	0	23.6	19.3
Avg	742	154	0	32	19.3
RWS: Rural Water System					

Currently, there are 20 irrigation water rights/permits authorized to appropriate water from the Dakota aquifer, plus one pending application (Water Rights, 2023c). Irrigation water rights/permits have been typically required to report their annual usage on an irrigation questionnaire since 1979. The estimated average annual withdrawal rate for the Dakota aquifer irrigation water rights/permits that have reported over the period of record (1979 to 2022) is approximately 159 acre-feet per year (Water Rights, 2023a). To reflect the current development of irrigation water rights/permits more accurately, the average annual withdrawal rate for irrigation appropriations that have reported from 2013 to 2022 is approximately 233 acre-feet per year (Water Rights, 2023a).

Table 5 displays the average annual withdrawal rate for each irrigation water right/permit based on the reported annual values. Several of the irrigation water rights/permits from the Dakota aquifer are authorized to irrigate using other water sources in addition to the Dakota aquifer, and the reported withdrawal rate represents total irrigation across all water sources (Water Rights, 2023a and 2023c).

Water Right No. 394-3 is not required to submit an irrigation questionnaire and is authorized to irrigate 3.2 acres (Water Rights, 2023c). Generally, irrigators in eastern South Dakota apply less than one foot of water per acre per year. However, to account for the fluctuation in wet and dry cycles from year to year, a one foot of water per acre per year application rate will be used to estimate the annual withdrawal rate for this irrigation water right. Therefore, Water Right No. 394-3 is estimated to withdraw approximately 3.2 acre-feet per year (Water Rights, 2023c).

Additionally, Water Permit Nos. 8423-3, 8510-3, 8560-3, and 8727-3, and pending Water Permit Application No. 8781-3 are authorized to irrigate 192.5 acres of turf and are limited to an annual appropriation that may not exceed two-acre feet annually for each acre of land authorized to be irrigated (Water Rights, 2023c). These water permits and pending application have either not been constructed or have only one year of reporting data (Water Rights, 2023a and 2023c). Generally, irrigators in eastern South Dakota apply less than one foot of water per acre per year (Water Rights, 2023a). However, because these permit holders are authorized to irrigate turf, the two foot of water per acre per year application rate will be used to somewhat overestimate the annual withdrawal rate. Therefore, the average annual withdrawal rate for Water Permit Nos. 8423-3, 8510-3, 8560-3, and 8727-3, and Water Permit Application No. 8781-3 is approximately 385 acre-feet per year.

Overall, the average annual withdrawal rate for the Dakota aquifer irrigation water rights/permits is approximately 1,060.9 acre-feet per year (Water Rights, 2023a and 2023c).

Table 5. Average reported withdrawal rate by the irrigation water rights/permits from the Dakota aquifer, including one pending application (Water Rights, 2023a and 2023c)

Permit No.	Status	Name	Priority Date	Acres	Avg Reported Use (acre-feet/year)	Est. Use for Non- Developed, Non-Reporting, or Limited Data Permits (acre-feet/year)	Comments
1054-3	LC	Rolling Hills Golf Development	01/01/1951	43.84	30.9	N/A	also uses water from surface water
394-3	LC	Kory Standy	01/01/1912	3.2	Does not report	3.2	also for domestic use
4769-3	LC	James Leheska	06/01/1981	130	23.5	N/A	last irrigated in 1993
5703-3	LC	Charles A Long	07/20/1992	2	0.5	N/A	
2328-2	LC	Michael Kirwan	02/21/1995	31	2.6	N/A	last irrigated in 2008
5905-3	LC	City of Groton	12/14/1995	30	66.9	N/A	also permits water from surface water- total water use across all sources
5947-3	LC	Fish Lake Country Club	09/23/1974	33	17.2	N/A	also permits water from surface water- total water use across all sources
5994-3	LC	Robert L. Peterson	04/17/1997	3	6.2	N/A	
6110-3	LC	Dakota Dunes Community Improvement District	10/06/1998	11	49.8	N/A	
6527-3	LC	City of Beresford	07/22/2004	37	23.2	N/A	
6575-3	LC	Dakota Alliance Soccer Club	01/19/2005	15	6.2	N/A	
6734-3	LC	Avera Sacred Heart Health Services	06/14/2006	11.9	5.6	N/A	
7123-3	LC	Harrisburg School District	04/02/2009	30	7.7	N/A	
2566A-2	LC	Chamberlain Country Club	08/29/2005	63	9.6	N/A	
7916-3	PE	John H Thompson	10/18/2013	150	30.9	N/A	
8043-3	PE	Robert P Walsh	08/27/2014	391.9	limited data	391.9	constructed in 2022-reported 158.4 acre-ft of use in 2022
8423-3	PE	City of Platte	02/10/2020	42	not constructed	84	not constructed-turf irrigation
8510-3	PE	TR Golf LLC	03/26/2021	30	limited data	60	turf irrigation- 143.3 acre-ft reported in 2022 for 8510-3
8560-3	PE	TR Golf LLC	10/25/2021	65	limited data	130	
8727-3	PE	TR Golf LLC	02/27/2023	10	not yet reporting	20	turf irrigation
8781-3	Pending	City of Harrisburg	07/21/2023	45.5	not constructed	91	turf irrigation
LC: Licensed Water Right; PE: Water Permit			TOTAL:	1,178.34		1,060.9	

There are domestic wells completed into the Dakota aquifer that do not require a water right/permit, so the withdrawal amount for domestic use is unknown (Water Rights, 2023d).

Since the introduction of rural water systems, many domestic wells are likely no longer in use or are not being used as primary water sources. Due to their relatively low diversion rates and the availability of rural water, withdrawals from domestic wells are not considered to be a significant portion of the hydrologic budget for the Dakota aquifer. It is currently unknown how much water is being discharged from the Dakota aquifer through uncontrolled flowing wells. The Water Management Board has previously determined water being discharged through uncontrolled flowing wells is not a beneficial use and does not constitute appropriation pursuant to SDCL 46-6-3.1 (Water Rights, 1987).

Hydrologic Budget Summary

The estimated average annual recharge to the Dakota aquifer has not been accurately quantified. Bredehoeft et al. (1983) estimated a recharge rate of approximately 57,500 acre-feet per year, but several factors make it uncertain if that is a high or low estimate. The estimated average annual withdrawal rate from the Dakota aquifer is approximately 27,895 acre-feet per year (including the estimated use for Water Permit Application No. 8800-3, if approved) (Table 6). Based on the hydrologic budget, there is a reasonable probability unappropriated water is available from the Dakota aquifer for the proposed appropriation.

Table 6. Estimated use from Dakota aquifer (Water Rights, 2023a and 2023c)

Type of Water Right/Permit	Estimated Use (acre-feet/year)
Future Use Reservations	4,287
Non-Irrigation (including pending Water Permit Application No. 8783-3)	22,452
Irrigation (including pending Water Permit Application No. 8781-3)	1,060.9
Application No. 8800-3 (if approved, assuming one acre-foot, per acre, annually)	95
TOTAL:	27,895

POTENTIAL FOR UNLAWFUL IMPAIRMENT OF EXISTING WATER RIGHTS:

Currently, there are 258 water rights/permits authorized to appropriate water from the Dakota aquifer, plus two pending applications, and an additional seven future use permits reserving water in the Dakota aquifer (Water Rights, 2023c). The nearest water right/permit to the proposed diversion point is Water Right No. 1085-3, which is held by City of Tulare; however, the City of Tulare is connected to a Mid-Dakota RWS and likely maintains the well for standby purposes (Drinking Water Program, 2023). The diversion point for Water Right No. 1085-3 is located approximately two miles northwest of the proposed diversion point for this application (Figure 6) (Table 7) (Water Rights, 2023c). The next nearest water right/permit to the proposed diversion point is Water Permit No. 6484-3, which is held by Lee Gatzke. The diversion point for Water Permit No. 6484-3 is located approximately 2.7 miles east of the proposed diversion point for this application (Figure 6) (Table 7) (Water Rights, 2023c).

There are domestic wells on file with the DANR-Water Rights Program that are completed into the Dakota aquifer, with the closest domestic well on file (not held by the applicant) located approximately 0.8 miles southwest of the proposed diversion point (Water Rights, 2023d). There could potentially be other domestic wells completed into the Dakota aquifer near the proposed diversion point that are not on file with the DANR-Water Rights Program. The location of the domestic wells in the well completion report database maintained by the Water Rights Program is based on the location on the report listed by the driller at the time of well completion.

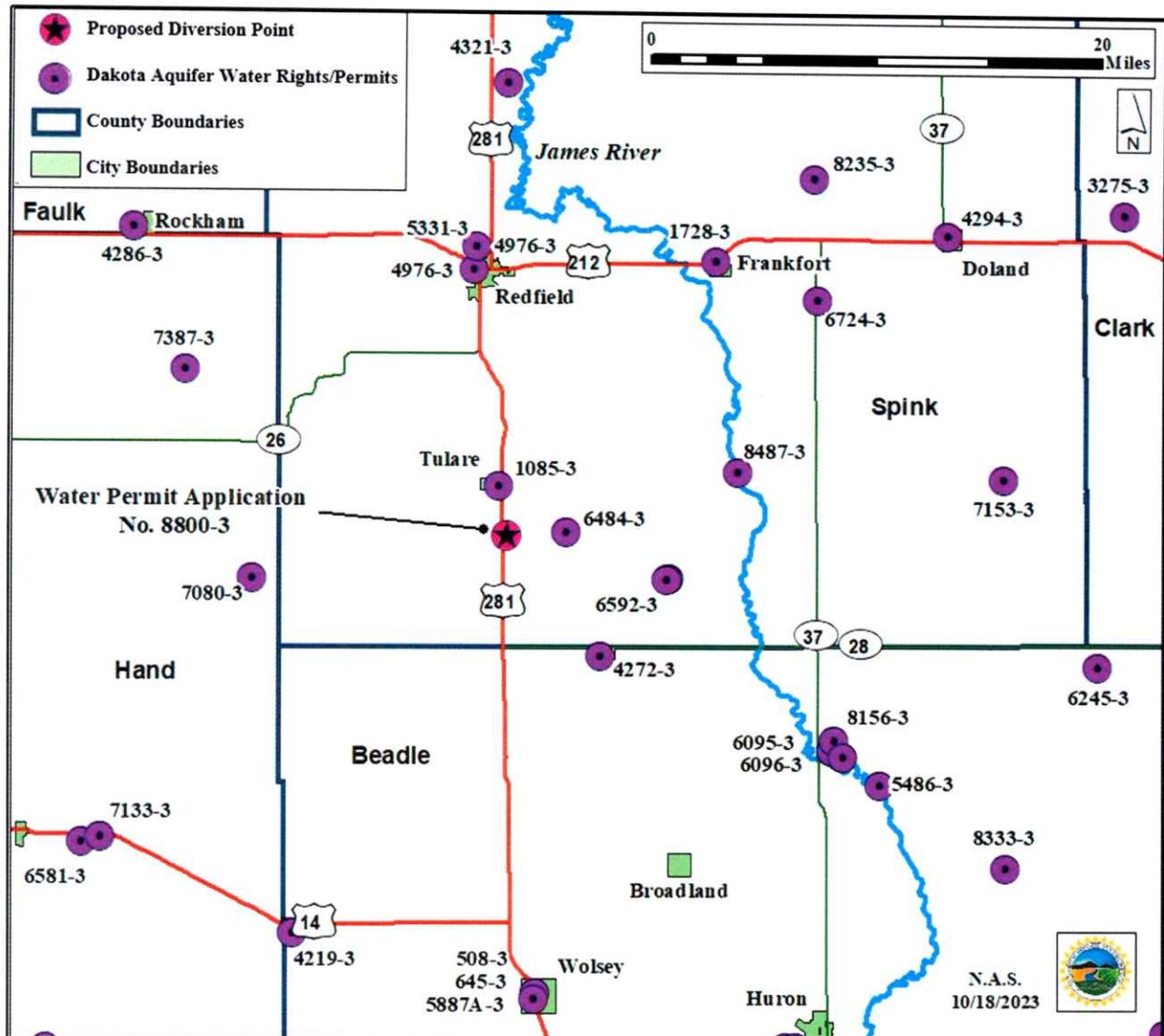


Figure 6. Location of the proposed diversion point for Water Permit Application No. 8800-3, with the Dakota aquifer water rights/permits within approximately twenty miles (Water Rights, 2023c)

Table 7. Water rights/permits authorized to withdraw water from the Dakota aquifer within approximately twenty miles of the proposed diversion point, as shown in Figure 6 (Water Rights, 2023c)

Permit No.	Name	Status	Use	Authorized Diversion Rate (cfs)	Authorized Annual Volume (acre-feet/year)
508-3	City of Woley	LC	MUN	0.13	
645-3	Town of Woley	LC	MUN	0.13	
1085-3	City of Tulare	LC	MUN	0.33	
1728-3	City of Frankfurt	LC	MUN	0.06	
3275-3	Town of Raymond	LC	MUN	0.03	
4219-3	City of Wessington	LC	MUN	0.71	
4272-3	Town of Hitchcock	LC	MUN	0.08	
4286-3	Town of Rockham	LC	MUN	0.04	
4294-3	City of Doland	LC	MUN	0.25	
4321-3	City of Ashton	LC	MUN	0.15	
4976-3	City of Redfield	LC	MUN	1.34	
5331-3	SD Development Center	LC	INS	0.9	
5486-3	Byron Bible Camp	LC	INS	0.44	
5887A-3	Wilbur-Ellis LLC	LC	COM, IND	0.22	9.2
6096-3	Huron Hutterian Brethren	LC	COM, DOM, LCO	0.098	
6095-3	Huron Hutterian Brethren	LC	COM, DOM, LCO	0.031	
6245-3	Shamrock Colony	LC	COM, LCO	0.07	
6484-3	Lee Gatzke	PE	COM, LCO	0.133	
6592-3	Allen Gatzke	LC	COM, LCO	0.33	
6581-3	Fremark Feedlot	LC	COM, LCO	0.122	
6724-3	Dairy Wise Builders SD LLC	PE	COM, LCO	0.44	
7080-3	Bottom Brothers Partnership	LC	COM, LCO	0.154	
7133-3	South Dakota Soybean Processors	PE	IND, COM	0.044	
7153-3	Hillside Colony	PE	COM, LCO	0.2	
7387-3	Tom Nuhsbaumer	LC	DOM, GEO	0.067	
8156-3	Huron Hutterian Brethren	PE	COM, LCO	0.17	60
8235-3	Camrose Hutterian Brethren	PE	COM, DOM, LCO	0.17	93
8333-3	Liberty Farms LLC	PE	COM, LCO	0.1	62
8487-3	Spink Hutterian Brethren	PE	COM, DOM	0.144	55

LC: Licensed Water Right; PE: Water Permit, COM: Commercial, DOM: Domestic, GEO: Geothermal; LCO: Livestock Confinement Operation
IND: Industrial; INS: Institutional; MUN: Municipal

The Dakota aquifer is expected to be confined at the proposed diversion point based on the well completion reports on file for nearby wells completed into the aquifer (Water Rights, 2023d). Since the Dakota aquifer is expected to be confined at the proposed diversion point, drawdown can extend some distance but the exact drawdown behavior of a well cannot be known without an aquifer performance test. However, observation wells completed into the Dakota aquifer near permitted/licensed diversion points can provide some insight on how the aquifer responds to pumping.

Observation well ED-85A (approximately 30 miles southwest of the proposed diversion point) has five high-yield wells (assumed to be a well with an authorized diversion rate greater than 0.2 cfs) within approximately fifteen miles of it (Water Rights, 2023b and 2023c). The lithologic log on file for ED-85A noted the well was drilled 1,080 feet deep below the ground surface, had a casing stick up height of approximately 1.1 feet, and the top of aquifer materials approximately 1,045 feet below the ground surface (SDGS, 2023). The lowest recorded static water level on the

hydrograph (displayed in Figure 2) is approximately 12 feet below the top of the well casing, which indicates there was still approximately 1,030 feet of artesian head pressure in ED-85A even during drier periods when high-yield wells are expected to be pumping more water and when water levels are generally naturally lower in response to drier conditions (SDGS, 2023; Water Rights, 2023b).

Within approximately two miles of the proposed diversion point, the Dakota aquifer has a saturated aquifer thickness ranging from approximately 200 to 250 feet (Water Rights, 2023d). This would generally allow for enough thickness for a pump to be placed 20 feet below the top of the aquifer, which is required for the well to be considered adequate under ARSD 74:02:04:20(6). Any drawdown as a result of the proposed diversion is not expected to unlawfully impair nearby adequate wells. In Spink County, there are no substantiated complaints on file with the DNR-Water Rights Program regarding well interference for adequate wells completed into the Dakota aquifer (Water Rights, 2023e).

The Water Management Board recognizes that putting water to beneficial use requires a certain amount of drawdown to occur. The Board has developed rules to allow water to be placed to maximum beneficial use without the necessity of maintaining artesian head pressure for domestic use. The Water Management Board defined an “adversely impacted domestic well” in ARSD 74:02:04:20(7) as:

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

The Water Management Board considered the delivery of water by artesian head pressure versus maximum beneficial use during the issuance of Water Right No. 2313-2 for Coca-Cola Bottling Company of the Black Hills. The Board adopted the Findings of Facts and Conclusions of Law that noted the reservation of artesian head pressure for delivery of water would be inconsistent with SDCL 46-1-4 which states, “general welfare requires that the water resources of the state be put to beneficial use to the fullest extent of which they are capable...” (Water Rights, 1995). Furthermore, the Water Management Board found if increased cost or decreased production as a result of impacts on artesian head pressure by legitimate users is to be considered as an unlawful impairment, it would also conflict with SDCL 46-1-4 (Water Rights, 1995). With that in mind, some existing well owners may need to install or lower pumps depending on the specific characteristics of the Dakota aquifer at their location. However, when considering the statutes (SDCL 46-1-4 and 46-6-6.1), rules (ARSD 74:02:04:20(6) and (7)), the saturated thickness of the Dakota aquifer in Spink County, the artesian head pressure in observation wells and appropriate user’s wells completed into the Dakota aquifer near the proposed diversion point, and the lack of well interference complaints from the Dakota aquifer in the area, any drawdown created from the proposed diversion is not expected to cause an unlawful impairment on existing water right/permit holders or domestic users with adequate wells. Therefore, there is a reasonable

probability that any interference from the proposed appropriation will not impose unlawful impairments on existing users with adequate wells.

Special Consideration: Well Construction

The proposed diversion point must meet adequate well construction standards as defined in ARSD 74:02:04:20.

An adequate well has been defined in ARSD 74:02:04:20(6) as:

“A well constructed or rehabilitated to allow various withdrawal methods to be used, to allow the inlet to the pump to be placed not less than 20 feet into the saturated aquifer or formation material when the well is constructed, or to allow the pump to be placed as near to the bottom of the aquifer as is practical if the aquifer thickness is less than 20 feet.”

The alternative well construction requirements for certain Dakota aquifer wells (74:02:04:35) are not permitted for appropriative uses. Any future replacement wells shall meet the adequate well construction standard as defined in ARSD 74:02:04:20. Replacement wells may not be constructed using the alternative construction requirements that are allowed for domestic use wells outlined in ARSD 74:02:04:35.

CONCLUSIONS:

1. Water Permit Application No. 8800-3 proposes to appropriate an amount of water not to exceed 7 acre-feet annually at a maximum instantaneous diversion rate of 0.33 cfs from one well to be completed into the Dakota aquifer (approximately 1,000 feet deep) to be used for industrial purposes. The site of interest is located in Spink County approximately two miles south of Tulare, SD.
2. Based on observation well data and the hydrologic budget, there is a reasonable probability that unappropriated water is available from the Dakota aquifer to supply the proposed appropriation.
3. There is a reasonable probability that the proposed diversion by Water Permit Application No. 8800-3 will not unlawfully impair adequate wells for existing water rights/permits and domestic users.

Nakaila Steen

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

Reviewed by:



Adam Mathiowetz, PE

Natural Resources Engineer IV

SD DANR -Water Rights Program

References

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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.**

November 16, 2023

Simplot AB Retail, Inc.
Dba Simplot Grower Solutions
c/o Paul Simpson
1099 W Front Street
Boise ID 83702

Dear Mr. Simpson:

Water Permit Application No. 8800-3 for industrial use have been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice has been sent to the Redfield Press printed in Redfield SD (Ph # 605 472-0822) and the Plainsman printed in Huron SD (Ph # 605 353-7414). You will need to contact the newspapers and authorize publication of this notice. For your information, a copy of the notice, the recommendation of the Chief Engineer and report on the application are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

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

Sincerely,

Rachel Rodriguez

Rachel Rodriguez
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 November 29, 2023. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 8800-3 to Appropriate Water

Notice is given that Simplot AB Retail, Inc. dba Simplot Grower Solutions, 1099 W Front Street, Boise ID 83702 has filed an application for a water permit to appropriate up to 7 acre-feet of water annually at a maximum pump rate of 0.33 cubic feet of water per second from one well to be completed into the Dakota Aquifer (approximately 1,000 feet deep) located in the NW 1/4 NW 1/4 Section 11-T114N-R64W to be used for industrial purposes. This site is located approximately 2 miles south of Tulare SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8800-3 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.

Any person interested in opposing this application or recommendation shall allege that the application, upon approval, will cause injury to the person that is unique from any injury suffered by the public in general. The injury must concern a matter either within the regulatory authority found in SDCL 46-2A-9 for approval or denial of the application, or other matter concerning the application within the regulatory authority of the board to act upon as defined by SDCL 46-2-9 and 46-2-11, or both. Any person meeting the petitioner requirements and wishing to be a party of record in a contested case hearing shall file a written petition to oppose the application with BOTH the applicant and Chief Engineer. A petition opposing the application shall be filed on a form provided by the Chief Engineer. The petition form is available online at <https://danr.sd.gov/public> or by contacting the Chief Engineer. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501" or call (605) 773-3352. The applicant's mailing address is given above. If contesting the Chief Engineer's recommendation, the applicant shall also file a petition. A petition filed by either an interested person or the applicant must be filed by December 11, 2023.

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

Any interested person may file a comment on the application with the Chief Engineer. The comment shall be filed on a form provided by the Chief Engineer and is available online at <https://danr.sd.gov/public> or by calling (605) 773-3352 or writing the Chief Engineer at the address provided above. Filing a comment does not make the commenter a party of record or a participant in any hearing that may be held. Any comment must be filed by December 11, 2023.

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

Published once at the total approximate cost of_

Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Thursday, November 16, 2023 10:01 AM
To: Redfield Office
Subject: 8800-3 Simplot AB Retail dba Simplot Grower Solutions - Public Notice
Attachments: 8800-3 public.short_final.docx; FORM8.FRM.doc

Attached is a notice to be published on November 29, 2023.

Simplot AB Retail, Inc. dba Simplot Grower Solutions, c/o Paul Simpson, 1099 W Front Street, Boise ID 83702 (208-600-2987 or 208-780-0233) 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 Ave, Pierre SD 57501.

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

Thank you,

Rachel Rodriguez
DANR | Program Assistant
Rachel.Rodriguez@state.sd.us



Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Thursday, November 16, 2023 10:03 AM
To: rcrandall@plainsman.com
Subject: 8800-3 Simplot AB Retail dba Simplot Grower Solutions - Public Notice
Attachments: 8800-3 public.short_final.docx; FORM8.FRM.doc

Attached is a notice to be published on November 29, 2023.

Simplot AB Retail, Inc. dba Simplot Grower Solutions, c/o Paul Simpson, 1099 W Front Street, Boise ID 83702 (208-600-2987 or 208-780-0233) has been notified to contact you to authorize publication and arrange for payment.

I would like to request that the affidavit be emailed to me or return the attached Proof of Publication form ASAP to the Water Rights Program, 523 E Capitol Ave, Pierre SD 57501.

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

Thank you,

Rachel Rodriguez
DANR | Program Assistant
Rachel.Rodriguez@state.sd.us



Proof Of Publication

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

Legal Notice Number: 2289

I, Kim Davis, being duly sworn on oath say that the Plainsman is a daily paper published at Huron, Beadle County South Dakota, and that said newspaper has a bona fide circulation of at least 250 copies daily; that said newspaper has been published within said county for fifty-two consecutive weeks immediately prior to this date, that said newspaper is printed in whole or in part, in an office maintained at said place of publication; that I am a Legal Advertising Coordinator of said newspaper and know that facts herein state. The annexed notice headed: Simplot AB Retail – Notice of Application was published for one day, in said newspaper and not in any supplement of the said newspaper; the publication was on 11/29/2023. That the full amount of the fee charged for the \$42.81 of Public Hearings to the benefit of the publisher of said newspaper; that no agreement or understanding for the division thereof has been made with any other person, and that no part thereof has been agreed to be paid to any person whom so ever.

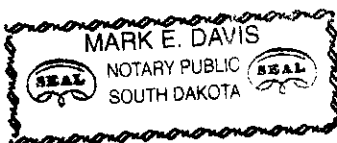


Subscribed and sworn to me before this date 11/30/23.



Notary Public, South Dakota

My Term Expires 12/27/2024



RECEIVED

DEC 04 2023

OFFICE OF
WATER

2000 - Legals

F. P. 11-29-23

**NOTICE OF
APPLICATION
NO. 8800-3 to****Appropriate Water**

Notice is given that Simplot AB Retail, Inc. dba Simplot Grower Solutions, 1099 W Front Street, Boise ID 83702 has filed an application for a water permit to appropriate up to 7 acre-feet of water annually at a maximum pump rate of 0.33 cubic feet of water per second from one well to be completed into the Dakota Aquifer (approximately 1,000 feet deep) located in the NW 1/4 NW 1/4 Section 11-T114N-R64W to be used for industrial purposes. This site is located approximately 2 miles south of Tulare SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8800-3 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 regula-

2000 - Legals

tory authority of the Water Management Board. The Chief Engineer's recommendation with qualifications, the application, and staff report are available at <https://danr.sd.gov/> public or contact Ron Duvall for this information, or other information, at the Water Rights Program address provided below.

Any person interested in opposing this application or recommendation shall allege that the application, upon approval, will cause injury to the person that is unique from any injury suffered by the public in general. The injury must concern a matter either within the regulatory authority found in SDCL 46-2A-9 for approval or denial of the application, or other matter concerning the application within the regulatory authority of the board to act upon as defined by SDCL 46-2-9 and 46-2-11, or both. Any person meeting the petitioner requirements and wishing to be a party of record in a contested case hearing shall file a written petition to oppose the application with BOTH the applicant and Chief Engineer. A petition opposing the application

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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, Foes 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 December 11, 2023.

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

Any interested person may file a comment on the application with the Chief Engineer. The comment shall be filed on a form provided by the Chief Engineer and is available online at

2000 - Legals

<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 December 11, 2023.

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

No. 2289 (adv.)
Published once at the total approximate cost of \$42.81 and may be viewed free of charge at www.sdpublicnotices.com.

Affidavit of Publication

STATE OF SOUTH DAKOTA;
County of Spink: ss.

I, Cindy Crook, being duly sworn on oath, say that THE REDFIELD PRESS is a weekly newspaper as defined in Sec. 65.0508 South Dakota Code 1939, as amended by Chapter 298 of the Session of Laws of 1939, printed and published in the English language in the City of Redfield, in said County and State, by THE REDFIELD PRESS. I, Cindy Crook, am Legal Advertising Coordinator of said newspaper and know the facts herein state. The annexed notice headed:

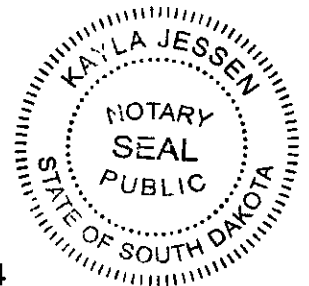
#7155 NOTICE

was printed and published in said newspaper in 1 issue, to wit: The first publication being made on November 29th, That Thirty-Seven and 41/100 dollars insures to the benefit of the publisher of THE REDFIELD PRESS, that no agreement or understanding for the division thereof has been made with any other person, and that no part thereof has been agreed to be paid to any person whomsoever.

Cindy Crook

Subscribed and sworn to before me this 29th, day of November, 2023

Kayla Jessen
Notary Public, South Dakota



My commission expires 09/26/2024

Notice

#7165

NOTICE OF APPLICATION NO. 8800-3 to Appropriate Water

Notice is given that Simplot AB Retail, Inc. dba Simplot Grower Solutions, 1099 W Front Street, Boise ID 83702 has filed an application for a water permit to appropriate up to 7 acre-feet of water annually at a maximum pump rate of 0.33 cubic feet of water per second from one well to be completed into the Dakota Aquifer (approximately 1,000 feet deep) located in the NW 1/4 NW 1/4 Section 11-T114N-R64W to be used for industrial purposes. This site is located approximately 2 miles south of Tulare SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8800-3 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://darr.sd.gov/public> or contact Ron Duval for this information, or other information, at the Water Rights Program address provided below.

Any person interested in opposing this application or recommendation shall allege that the application, upon approval, will cause injury to the person that is unique from any injury suffered by the public in general. The injury must concern a matter either within the regulatory authority found in SDCL 46-2A-9 for approval or denial of the application, or other matter concerning the application within the regulatory authority of the board to act upon as defined by SDCL 46-2-9 and 46-2-11, or both. Any person meeting the petitioner requirements and wishing to be a party of record in a contested case hearing shall file a written petition to oppose the application with BOTH the applicant and Chief Engineer. A petition opposing the application shall be filed on a form provided by the Chief Engineer. The petition form is available online at <https://darr.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 December 11, 2023.

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Board. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled, and the Water Management Board will consider this application. Notice of the hearing will be given to the applicant and any person filing a petition.

Published one time at the total approximate cost of \$37.41 and may be viewed free of charge at www.sdpublicnotices.com. (Nov. 29)

Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Thursday, November 16, 2023 11:07 AM
To: Simpson, Paul
Subject: 8800-3 Simplot AB Retail dba Simplot Grower Solutions - Public Notice
Attachments: 8800-3 rec.pdf; Ltr.pdf; PublicNotice.pdf

Good morning Paul,

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

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

Thank you,

Rachel Rodriguez
DANR | Program Assistant
Rachel.Rodriguez@state.sd.us





**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

DEC 29 2023

Simplot AB Retail, Inc.
Dba Simplot Grower Solutions
c/o Paul Simpson
1099 W Front Street
Boise ID 83702

Dear Mr. Simpson:

Enclosed is Water Permit No. 8800-3 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
Posting 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.: 8800-3

Name of Applicant: Simplot AB Retail, Inc. dba Simplot Grower Solutions, Paul Simpson

Date of Posting: 11/27/2023

Date of Removal: 12/29/2023

Ron Duvall, Engineer III

12/29/2023

Date

Subscribed and sworn to before me, a notary public, this 29 day of December 2023.

Notary Public - South Dakota

My commission expires: **Rachel Rodriguez**
My Commission Expires
May 16, 2029

(SEAL)

