



Scheduled hearing times are Central Time

WATER MANAGEMENT BOARD
Wednesday December 5, 2018
TELEPHONE CONFERENCE CALL
Floyd Matthew Training Center
Joe Foss Building
523 E Capitol Avenue
Pierre SD

A limited number of phone lines will be available. Interested parties should contact the Department at (605) 773-3352 by not later than 5:00 PM on Tuesday December 4, 2018, if they wish to participate by phone in the teleconference call.

Public may also attend at Floyd Matthew Training Center

Live audio of the meeting can be heard at www.sd.net/mtc

AGENDA

- 11:00 AM Call to Order
Roll Call of Board Members Present
Adopt Final Agenda
Conflicts Disclosures and Requests for State Board Waivers
October 4, 2018 Board Minutes
March 6 – 7, 2019, Meeting and Location
Status and Review of Water Rights Litigation – Ann Mines Bailey
Administer Oath to Department of Environment and Natural Resources Staff
- DENR Update on Irrigation Questionnaires and Well Driller & Pump Installer License Renewal
- Cancellation Considerations – Eric Gronlund
- Future Use Permit Seven Year Review – Eric Gronlund
- Consideration of Findings of Fact, Conclusions of Law and Final Decision in the matter of Water Permit No. 8338-3, Unique Railroad Contractors
- Public comment period in accordance with SDCL 1-25-1

ADJOURN

Board members are reminded they are subject to SDCL 3–23-1 to 3-23-5 (Disclosure Laws) which address the disclosure of any conflicts of interest a member may have regarding contracts with the State of South Dakota. Board members should report any potential conflicts to the board and seek a waiver where appropriate.

Notice is given to individuals with disabilities that this meeting is being held in a physically accessible location. Please notify the Department of Environment and Natural Resources at (605) 773-3352 at least 48 hours before the meeting if you have a disability for which special arrangement must be made.

WATER MANAGEMENT BOARD MEETING

December 5, 2018

Qualifications
wi - well interference
wcr - well construction cuts
iq - irrigation questionnaire
ff - slow flow

No.	Name	Address	County	Amount	Use	Source	Qualifications
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Unopposed New Water Permit Applications Issued Based on the Chief Engineer Recommendations

1985-1	Hostler Farms	Mt Vernon	BU	no add'l	28.7 acres	Belle Fourche River	lf, iq, 1 special
2651A-2	James Riley Wallingford	Rapid City	BT	1.89 cfs	132 acres	1 well-Arikaree Aquifer	wi, wcr, iq
5326A-3	South Lincoln RWS Inc	Beresford	LN	change use to RWS		2 wells-Dakota Aquifer	wi, 2 special
5753A-3	South Lincoln RWS Inc.	Beresford	LN	change use to RWS		1 well-Dakota Aquifer	wi, 2 special
6778A-3	South Lincoln RWS Inc.	Beresford	LN	change use to RWS		3 wells-Dakota Aquifer	wi, 2 special
6988A-3	Joint Well Field Inc.	Toronto	BG	expand future use area		Big Sioux:Brookings Aquifer	3 special
8299-3	Aberdeen Energy LLC	Mina	BN	1.33 cfs	commercial	2 wells-Inyan Kara Aquifer	wi, wcr, 3 special
8367-3	Hybrid Turkeys	Ontario Canada	ED	0.17 cfs	commercial	1 well-Dakota Aquifer	wi, 4 special
8368-3	Hybrid Turkeys	Ontario Canada	ED	0.17 cfs	commercial	1 well-Dakota Aquifer	wi, 4 special
8369-3	Hybrid Turkeys	Ontario Canada	ED	0.17 cfs	commercial	1 well-Dakota Aquifer	wi, 4 special
8371-3	Joint Well Field Inc.	Toronto	BG	1.00 cfs	RWS	1 well-Big Sioux:Brookings	wi, wcr, 2 special
8372-3	Hybrid Turkeys	Ontario Canada	ED	0.33 cfs	commercial	1 well-Dakota Aquifer	wi, wcr, 4 special
8373-3	Hybrid Turkeys	Ontario Canada	MP	0.33 cfs	commercial	1 well-Dakota Aquifer	wi, wcr, 4 special
8374-3	Hybrid Turkeys	Ontario Canada	ED	0.33 cfs	commercial	1 well-Dakota Aquifer	wi, wcr, 4 special
8375-3	Maxon H Conkey	St Lawrence	HD	1.78 cfs	132.32 acres	1 well-Tulare:Hand Aquifer	wi, wcr, iq

Future Use Reviews

No.	Name	Address	County	Amount Remaining in Reserve	Use	Source	Qualifications
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439-2	City of Rapid City	Rapid City	PE	3,367 AF	municipal	Rapid Creek	none
1088-2	City of Rapid City	Rapid City	PE	4,830 AF	municipal	Rapid Creek	none
1833-2	Weston Heights Homeowners Assoc.	Rapid City	MD	211 AF	suburban housing development	Madison Aquifer	none

The audio recording for this meeting is available on the South Dakota Boards and Commissions Portal at <http://boardsandcommissions.sd.gov/Meetings.aspx?Boardid=106>

MINUTES OF THE 211th MEETING OF THE
WATER MANAGEMENT BOARD
FLOYD MATTHEW TRAINING CENTER
523 EAST CAPITOL AVENUE
PIERRE, SOUTH DAKOTA

October 4, 2018

CALL TO ORDER: Chairman Hutmacher called the meeting to order at 11:00 a.m. Central time.

A quorum was present.

Chairman Hutmacher welcomed Legislative Oversight Committee Member, Representative Mary Duvall.

Chairman Hutmacher announced that the meeting was streaming live on SD.net, a service of South Dakota Public Broadcasting.

The following were in attendance at the meeting:

BOARD MEMBERS: Chad Comes, Peggy Dixon, Jim Hutmacher, Everett Hoyt and Leo Holzbauer, and Tim Bjork. Rodney Freeman was not at the meeting.

DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES (DENR): Jeanne Goodman, Eric Gronlund, Karen Schlaak, Mark Rath, Ron Duvall, Vickie Maberry, Genny McMath, Timothy Magstadt, Aaron Tieman, with the Water Rights Program; Mike Cepak, Roberta Hudson, Mike Lees, with the Minerals and Mining Program; Julie Smith with the Drinking Water Program.

ATTORNEY GENERAL'S OFFICE: Ann Mines Bailey, representing the Water Rights Program and Kirsten Jasper, Board Counsel.

LEGISLATIVE OVERSIGHT COMMITTEE: Representative Mary Duvall

OTHERS: Cheryl Rowe – petitioner to Mineral Mountain Resources
Carol Hayse – petitioner to Mineral Mountain Resources
Matt Naasz - counsel for Mineral Mountain Resources
Kevin Leonard – representative for Mineral Mountain Resources
Kwan Neff – representative for Mineral Mountain Resources
Paul Lepisto – Izaak Walton League regarding Mineral Mountain Resources
Lilias Jarding – petitioner to Mineral Mountain Resources
Bruce Ellison – petitioner to Mineral Mountain Resources (by telephone)
Joe Buck Colomba – petitioner to Mineral Mountain Resources
David McVey – Attorney General’s office
Margo Northrup – counsel for Unique Railroad Contractors
Terry Monson – representative for Unique Railroad Contractors
David A Geyer - Attorney of Petitioner in Unique Railroad Contractor’s case
Marty D Borgen - Petitioner

Julie Smith conducted a roll call of members present. All were present except Rodney Freeman

ADOPT FINAL AGENDA: no changes noted

CONFLICTS DISCLOSURES AND REQUEST FOR STATE BOARD WAIVERS: None

APPROVAL OF BOARD MINUTES FOR JULY 12, 2018:

Mr. Bjork inquired whether the reference to the year 1892 on page 18 was correct. Mr. Gronlund indicated that he believed that was the testimony of Leslie Murphy at the time of the hearing. However, he indicated he would listen to the audio of the hearing to confirm that date.

Mr. Hoyt emphasized the discussion regarding reinstatement of an expired water permit and whether the board and the department should adopt a list for the surface waters similar to those that we have for groundwater appropriations in fully appropriated aquifers. This is in reference to the James River, which is fully appropriated, and that the reinstatement of water permit which in essence, supersedes others who may have an interest to obtain a water permit from the James River for irrigation. Mr. Hoyt appreciates the extended coverage in the minutes and reiterated his desire that this matter be further reviewed.

Motion by Mr. Bjork, second by Ms. Dixon, to approve the board minutes for the July 12, 2018, board meeting. Motion carried unanimously.

December 5 – 6, 2018 Meeting and Location:

Mr. Gronlund stated the meeting will likely be one day held on Wednesday December 5, 2018, in Pierre. Mr. Hutmacher indicated he will be gone that week.

2019 Tentative Meeting Dates: March 6 – 7, May 8 – 9, July 10 - 11, Oct. 2 – 3, Dec. 4 - 5

STATUS AND REVIEW OF WATER RIGHTS LITIGATION: Ann Mines Bailey stated there is no litigation involving Water Rights.

ADMINISTER OATH TO DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES STAFF: Carla Bachand, the court reporter, administered the oath to the DENR employees who intended to testify.

Request for Temporary Permit to Use Public Water, Mineral Mountain Resources (SD) Inc.:

Appearances:

Matt Naasz, counsel for Mineral Mountain

Ann Mines Bailey, counsel for the Water Rights Program

Bruce Ellison, appearing telephonically

Kirsten Jasper with the Attorney General's Office, counsel to the Board went through the packet of documents mailed to the Board members prior to the meeting, documents emailed to the Board after the mailing and documents that were just received.

On August 22, 2018, the Department of Environment and Natural Resources – Water Rights Program received an application from Mineral Mountain Resources (SD) Inc. for a Temporary Permit to Use Public Waters for mining exploration drilling. The applicant requests to pump surface water from Rapid Creek from a point located in the NW $\frac{1}{4}$ of Section 24 T2N-R3E at diversion rate of approximately 200 gallons per minute (0.45 cubic feet of water per second, cfs) with a daily volume of 5,000 to 10,000 gallons per day, with the maximum total usage of 1.8 million gallons for the period August 1, 2018, through December 31, 2018. The proposed mining exploration project is located in western Pennington County near the town of Rochford.

Jim Hutmacher stated this is not a contested case, this permit if approved will expire at the end of the year and it requires metering the amount of water diverted with monthly reporting.

Mr. Ellison objected to proceeding until the Board deals with the request for continuance of the hearing and that the continued hearing be held in Rapid City. Ms. Jaspers stated the Board intends to proceed with the hearing today. The Chief Engineer has discretion to issue the permit but in this case has deferred to the Board. As this permit if issued would expire December 31, 2018, and no water rights are issued, this is not a contested case proceeding. Therefore, the Board chooses to proceed with consideration of the temporary permit as this time.

Chairman Hutmacher stated the Board will allow public comment. Each person will be given three minutes to provide public comment.

Matt Naasz counsel for Mineral Mountain Resources (SD) Inc. stated the temporary permit can be issued. Petitions talk about pollution but the only substance added to the water for drilling purposes is bentonite. Mr. Naasz indicated this is for exploration not production mining. Comments are made regarding runoff from the drill site. Water used is stored in a sump pit where it evaporates. The drill site is quite a distance from Rapid Creek and run off to Rapid Creek is not going to be an issue. Currently, Mineral Mountain Resources (SD) Inc. has been

hauling water from the city of Lead. Having a temporary permit will allow them to operate two shifts. This will shorten the project time and be easier on area roads.

Public Commenters

Lilias Jarding – Provided three primary topics. Temporary permits are for brief terms and not intended to supply a three year project. In her opinion today's process for comment is inadequate. The Chief Engineer's recommendation is inadequate to protect the environment.

Carol Hayse – The applicant is promoting another Homestake Mining Company. This should be about the health of the Black Hills.

Joe Buck Colomba – Is a member of the Rosebud Sioux Tribe. He indicated the hearing should be in the Black Hills. Diversion of 1.8 million gallons will have a negative impact on the water resources. Pe' Sla is a sacred site, and the project will interfere with tribal religion.

Cheryl Rowe – Provided copies of letters for other people who could not attend today's meeting. Ms. Rowe does not believe they have received due process and is concerned with what happens in a drought as the September 22nd drought monitor reflects quite a few areas are in a drought. The area fish are already stressed. This is the headwaters to what feeds the aquifer.

Paul Lepisto – On behalf of the Izaak Walton League which advocates for use and protection of water. They request denial as large scale mining puts the waters at risk.

Bruce Ellison – Joins with the comments of others. It is not in the public interest to give a foreign company water.

Motion by Mr. Comes, seconded by Ms. Dixon, to issue the Temporary Permit to Use Public Water for Minerals Mountain Resources as recommended by the Chief Engineer.

Mr. Hoyt asked if those making the motion would agree to amend to the qualifications as drafted by the Chief of Engineer to insert the words "maintaining downstream cold water fishery", following "including livestock water" in the qualification regarding low flows.

Mr. Comes stated he would support that change.

Ms. Dixon questioned how that would be monitored.

Mr. Hoyt stated it imposes an obligation of good faith of the applicant.

Ms. Dixon inquired whether there are guidelines as far as fish population and how would we know when impacts occur.

Mr. Bjork stated Rapid Creek has beneficial uses assigned to it including a cold water fishery, which cannot be impaired.

Ms. Goodman stated there are water quality parameters as part of the standards that include temperature for a cold water fishery.

Mr. Bjork agreed with Mr. Hoyt that we should not impair the beneficial use of this stream.

Mr. Hutmacher stated that Mr. Rath had previously indicated there is a flow of 65 cubic feet of water per second (cfs) in Rapid Creek at this time. Comparing the current flow conditions with the maximum pump rate being requested of 0.45 cfs leads him to a conclusion that there will not be a fishery impact given the temporary permit expires December 31st.

Mr. Hoyt withdrew his request for an amendment to qualifications. Mr. Hoyt stated if this was to be used as a pattern for a future application then he would want cold water fishery included in the qualification. With the present flow situation and given the expiration of the permit of December 31st, current flow conditions are sufficient.

Mr. Hoyt stated he had concerns regarding the lack of ability to participate.

Roll call vote with Peggy Dixon, Chad Comes, Leo Holzbauer, Ev Hoyt and Chairman Hutmacher voting yes and Tim Bjork voting no. Motioned carried granting the Temporary Permit to Use Public Water until December 31, 2018.

ORDER APPOINTING BOARD MEMBER PREHEARING OFFICER AND ALTERNATE PREHEARING OFFICER FOR UPCOMING YEAR: Ann Mines Bailey

Ann Mines Bailey stated in the past Rodney Freeman has been appointed prehearing officer and Ev Hoyt as alternate. Chairman Hutmacher suggested appointment of Mr. Freeman as the prehearing officer for October 2018 to October 2019 with Mr. Hoyt as alternate.

Motion by Bjork, seconded by Comes, Motioned carried unanimously by voice vote.

CANCELLATION CONSIDERATIONS: A table listing the water rights/permits proposed for cancellation, the notices of cancellation, and the chief engineer's recommendations were included in the packet the board members received prior to the meeting.

Eric Gronlund stated the nine water rights/permits on the table were scheduled for cancellation. No comments or letters in response to the notices of cancellation were received.

Regarding Water Right 5710-3 held by the City of Sioux Falls, Mr. Gronlund stated six wells were associated with the water right that had pump rate authority as well as a volume authority. Three of those wells became inoperable due to water quality issues and were abandoned. A couple years ago, the city went through a process of transferring a diversion rate authority and volume authority for those three wells to different wells. Currently only three wells under No. 5710-3 are operational, so the cancellation is actually removing the three non-existing wells from the water right. The action is not taking away any diversion rate or volume authority, and Water

Right No. 5710-3 will be reissued for the three wells including the diversion rate authority and volume associated with the right.

CANCELLATIONS – October 4, 2018			
Number	Original Owner	Present Owner(s) & Other Persons Notified	Reason
DIVISION I WATER PERMIT AND WATER RIGHT			
PE 1420-1	Brohm Mining Company	Ryan Brunner, Commissioner School & Public Lands	Abandonment/Forfeiture
RT 1454-1	Brohm Mining Company	Ryan Brunner, Commissioner School & Public Lands	Abandonment/Forfeiture
DIVISION II WATER PERMITS			
PE 2651-2	James “Riley” Wallingford	same	Non-Construction
PE 2688-2	Dennis Bakley	same	Non-Construction
PE 2712-2	Slattery Brothers Inc	same	Non-Construction
DIVISION III WATER PERMIT AND WATER RIGHTS			
RT 1567B-3	Lafleur Investments LLC % Sheryl L. Lafleur	same	Abandonment/Forfeiture
RT 3318-3	ARC Farms % Calvin Ratzlaff	same	Abandonment/Forfeiture
RT 5710-3	City of Sioux Falls, Greg Anderson, Water Supt	same	
Cancellation consideration is for the portion of the water right associated with Well Nos. 60, 61 & 62 only. No diversion authority or annual volume are up for cancellation.			
PE 7653-3	Jeremiah Welsh	same	Abandonment

Motion by Mr. Hoyt, seconded by Mr. Bjork, for cancellation of the water permits/rights as presented on the table beginning with Permit No. 1420-1 and concluding with Permit No. 7653-3. Motioned carried unanimously by voice vote.

FUTURE USE PERMITS SEVEN YEAR REVIEW: – Eric Gronlund

Two future use permits are scheduled for their seven year review as required by law. The Board packet included the letters requesting to retain the permits from the future use permits holders, the Chief Engineer’s recommendation and the affidavits of publication.

Future Use Permit No. 5072-3 held by TM Rural Water is for 66 acre feet of water annually reserved in the Dolton Aquifer. TM Rural Water District wishes to retain this permit and provided a reasonable need and estimate of future needs.

Future Use Permit No. 5443-3 held by the City of Valley Springs in Minnehaha County reserves 188 acre feet from Split Rock Creek aquifer for municipal use. The City provided a letter requesting to retain the permit citing future growth.

No petitions to intervene were received in response to the public notice. The Chief Engineer's recommendation is No. 5072-3 remain in effect reserving 66 acre feet from the Dolton aquifer and No. 5443-3 remain in effect for 188 acre feet of water annually from the Split Rock Creek aquifer.

Motion by Mr. Bjork, seconded by Mr. Holzbauer, to allow Future Use Permit Nos. 5072-3 and No. 5443-3 to remain in effect as set forth in the recommendations. Motioned carried unanimously by voice vote.

UNOPPOSED NEW WATER PERMITS ISSUED BY THE CHIEF ENGINEER WITHOUT A HEARING BEFORE THE BOARD: Prior to the meeting the board received a copy of the table listing the unopposed new water permits issued by the chief engineer. (See attachment at the end of the minutes.)

WATER PERMIT APPLICATION No. 8338-3, UNIQUE RAILROAD CONTRACTORS:

Appearances:

Ann Mines Bailey, counsel for the Water Rights Program.
Margo Northrup, counsel for applicant, Unique Railroad Contractors
David Geyer, counsel for intervenor, Alexandra Gravel and area landowner

Kirsten Jasper listed the documents in the board packet, which included the staff report, Chief Engineer recommendation, petition, the August 27, 2018, notice from the Chief of Engineer, and affidavits of publication.

Ms. Mines Bailey offered Exhibit 1, which is the administrative file kept by the Water Rights Program. With no objections, Mr. Hutmacher accepted Exhibit 1.

Ms. Mines Bailey called staff engineer Aaron Tieman to testify. Mr. Tieman was previously administered the oath.

Mr. Tieman stated he is a staff engineer for the Water Rights Program and has been with DENR for 12 ½ years. Mr. Tieman stated he reviews and evaluates water permit applications for surface water and ground water. He also investigates complaints, inspects dams, measures lake water levels and manages the lake level database.

Ms. Mines Bailey offered Exhibit 2, which is Mr. Tieman's curriculum vitae. With no objections, Mr. Hutmacher accepted Exhibit 2.

In response to Ms. Bailey, Mr. Tieman testified he reviewed Unique Railroad Contractor's Application No. 8338-3 and prepared a report. He indicated the scope of review was the water

sources, whether water is available and if the use can be developed without impairment of other water rights.

Ms. Bailey asked if Mr. Tieman if he was aware how this application came to be filed. Mr. Tieman stated the program had received an application from a similar aggregate wash plant located directly to the north of this location. During the review of the other application it was found that an existing aggregate operation had been operating for a number of years to the south without a water permit in place. Application No. 8338-3 was filed to come into compliance with water right law.

Ms. Bailey asked Mr. Tieman if he recalled the name of the other company. Mr. Tieman answered Alexandra Gravel Products. Their application was considered by the Board at the May meeting.

Water Permit Application No. 8338-3 filed by Unique Railroad Contractors dba Krause Brother's Construction, proposes to appropriate 0.22 cfs from one well to be completed into the Dakota aquifer (approximately 800 feet deep) located in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 13, T127N-R53W for industrial use and dust suppression at an aggregate wash plant. The well water will be diverted from the well, as needed, to a main collection/storage pond or one of three recirculation/settling ponds located in the E $\frac{1}{2}$ NE $\frac{1}{4}$ Section 13, T127N-R53W prior to use in the aggregate wash plant. The ponds will also receive incidental surface water runoff and spring flow. Water from the ponds will be diverted at a maximum rate of 1.73 cfs, and total annual water use will not exceed 160 acre-feet of water.

The gravel operation is located in the NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$ Section 13, T127N-53W, on non-tribal land, within the former boundaries of the Sisseton Wahpeton Indian Reservation approximately 24 miles east of the town of Britton in Marshall County, South Dakota.

Mr. Tieman went on to explain there are two different water sources involved with this application. They are the Pleistocene Unknown aquifer and Dakota aquifer.

Ms. Bailey questioned what the standard is for determination of water availability? Mr. Tieman stated the standard is outlined by South Dakota Codified Law 46-2A-9, which states a permit to appropriate water may be issued only if there is reasonable probability that there is unappropriated water available for the applicant's proposed use; that the proposed diversion can be developed without unlawfully impairing existing rights; that the proposed use is a beneficial use; and the use is in the public interest. Mr. Tieman stated that South Dakota Codified Law 46-6-3.1 provides that no application to appropriate ground water may be approved if according to best information reasonably available, the quantity of water withdrawn annually from the ground water source will exceed the quantity of the average estimated annual recharge of the water to the ground water source. Mr. Tieman stated that recharge is the addition of water to an aquifer; withdrawal is taking water out of the aquifer. Mr. Tieman concurred with Ms. Bailey's inquiry regarding the application is seeking an appropriation from two water sources.

Mr. Tieman said the ponds incise an undifferentiated gravel outwash given the generic name of Pleistocene Unknown aquifer. Recharge is primarily by precipitation. A known withdrawal from the Pleistocene Unknown aquifer is the Alexandria Gravel Products water permit which appropriates up to 38 acre feet of water annually.

Using a geological map of the surface, Mr. Tieman stated he determined that the aerial extent of the outwash deposit is approximately 1,924 acres. The aquifer is under unconfined conditions. Ms. Bailey questioned the significance of being an unconfined aquifer. Mr. Tieman stated that under unconfined conditions drawdown from pumping is not expected to extend far from the diversion point.

Mr. Tieman stated while reviewing this application he came across a test hole that was drilled approximately one mile north of this location that indicated that the sand and gravel extended from the ground surface down to the depth of seven feet. Mr. Tieman stated the aquifer is predominately recharged by precipitation since the outwash lies directly underneath the land surface.

Ms. Bailey questioned if any studies have been done calculating the amount of recharge this aquifer receives. Mr. Tieman stated there has not been a study for this particular aquifer. However, there have been similar studies conducted in eastern South Dakota for aquifers similar in nature to this one. Based on these studies of similar aquifers a recharge rate of 320 to 898 acre feet of water annually is reasonable.

Ms. Bailey asked if there are observation wells completed into this outwash deposit. Mr. Tieman said there are no observation wells in this particular surficial aquifer. The Water Rights Program does monitor observation wells in other parts of the state in similar aquifers, and hydrographs from those wells indicate these type of aquifers respond directly to precipitation and climate.

Mr. Tieman stated based on his review of the aquifer and information available, there is unappropriated water available for the appropriation.

Mr. Tieman indicated there is one water permit authorized to withdraw from the Pleistocene Unknown aquifer and that was the previously mentioned permit that was approved for Alexandria Gravel Products. Mr. Tieman testified if Application No. 8338-3 is approved for 160 acre feet of water annually along with the existing appropriation of 38 acre feet of water annually by Alexandria Gravel Products, a total of 198 acre feet of water annually would be appropriated from the Pleistocene Unknown aquifer.

Ms. Bailey inquired if there are any known domestic wells in the area. Mr. Tieman stated the Water Rights Program does not have any domestic wells on file, although some unrecorded domestic wells may exist.

Mr. Tieman stated he does not expect unlawful impairment due to the amount of recharge that has been estimated per year in relation to the amount of water that is being withdrawn. Ms. Bailey questioned how close the existing water permit is to this proposed application. Mr. Tieman stated anywhere from a quarter mile to one half mile.

Mr. Tieman stated with shallow water table aquifers the configuration of the water table is a subdued replica of the land surface, meaning the direction of ground water flow will be the same as the surface water flow.

Ms. Bailey showed Exhibit 3 to Mr. Tieman and asked that he describe it. Mr. Tieman stated Exhibit 3 is a general overview map showing the location of the current existing aggregate operation and Application No. 8338-3 as well as Petitioner Borgen's residence.

Ms. Mines Bailey offered Exhibit 3 which is a map of the area prepared by Mr. Tieman. With no objections, Mr. Hutmacher accepted Exhibit 3.

Using Exhibit 3, Mr. Tieman explained that ground water flow will mimic the direction of surface water flow. The surface flow will be perpendicular to the contour intervals, so the direction of water captured will not intersect with other diversions, and drawdown should not extend far from the pump site since the groundwater is in unconfined conditions.

Ms. Bailey asked if Mr. Tieman reviewed the submitted petition. Mr. Tieman stated the petitioner's concerns focus on the impact to existing domestic use and the neighboring aggregated operation. Mr. Tieman stated he does not anticipate an adverse impact based on the contour intervals showing elevation. Surface water flow from run-off will flow perpendicular to the contour lines. This shallow aquifer will mirror the surface water characteristics, so the ground water flow will be the same direction as the surface water flow. In the case of the ponds, the ground water will flow perpendicular to the contour intervals.

Ms. Bailey questioned if the unconfined nature of the aquifer also factored into his conclusion. Mr. Tieman stated due to the unconfined nature of the aquifer drawdown from pumping will not extend very far from the diversion point.

Ms. Bailey stated the applicant is seeking an appropriation from a well to be completed into the Dakota aquifer. Mr. Tieman testified the Dakota aquifer is a bed rock aquifer consisting of sand, sandstone and shale. The Dakota aquifer is under confined conditions at this site.

Ms. Bailey asked about the significance of being under confined conditions. Mr. Tieman stated the Dakota aquifer is known for wells that commonly flow at the surface without the need or requirement for a pump. Mr. Tieman testified that the Dakota aquifer is very large with an aerial extent covering approximately 86 percent of the State of South Dakota. The Dakota aquifer covers 66,500 square miles of the state and contains in estimates 1.1 billion acre feet of recoverable water is storage for state wide.

In Marshall County alone, the Dakota aquifer underlies 889 square miles and contains an estimated 9.3 million acre feet of recoverable water in storage. Mr. Tieman stated the Dakota aquifer is approximately 800 feet below ground surface at this location.

Mr. Tieman stated that the Dakota aquifer receives recharge from underlying formations. The Dakota aquifer also receives recharge through precipitation where the formation outcrops at land surface. There have been no studies done regarding recharge of the Dakota aquifer. Mr. Tieman

stated in Marshall County there are two prior appropriations from the Dakota aquifer totaling up to 124 acre feet of water annually.

Mr. Tieman testified the Water Rights Program monitors 43 observation wells statewide completed in the Dakota aquifer. The closest observation well to this application is 77 miles away. Although this observation well is located at a substantial distance, the Water Rights Program still uses the hydrograph from the observation well as a general reference on how the aquifer is responding.

Mr. Tieman stated that observation wells completed into the Dakota aquifer have shown a decline, but in the late 1970's we started to see gradual stabilization of these declines which indicates a possibility that it is entering a new state of equilibrium compared to a current rate of withdrawal.

Mr. Tieman testified there is reasonable probability that unappropriated water is available, and the proposed well completed into the Dakota aquifer can be developed without unlawful impairment to any existing rights.

Mr. Tieman stated the nearest domestic well to this site is three and a half miles south. At this distance there would not be measurable drawdown of the Dakota aquifer.

Ms. Bailey inquired regarding the petition stating they are getting the water from a natural spring. Mr. Tieman stated that was correct, and the spring would likely be from the Pleistocene series unknown aquifer. Based on the distance and unconfined nature of the Pleistocene series unknown aquifer he does not anticipate any impairment. Mr. Tieman stated with no specific location listed for the livestock use, he could not assess potential impairment.

Ms. Bailey asked Mr. Tieman if he had concerns of Alexandria Gravel Product's operation being unlawfully impaired. Mr. Tieman stated the direction of surface water flow from the proposed gravel ponds will not affect Alexandria Gravel Products ability to collect surface water, and that would also be true for any ground water.

Mr. Tieman testified the Chief Engineer's recommendation is for approval with qualifications including protection of domestic use and existing rights.

Margo Northrup representing the applicant stated one of the petitioner's concerns was the quality of the water in the Dakota aquifer. Mr. Tieman stated his review did not look at water quality.

In response to Ms. Northrup, Mr. Tieman stated that in an unconfined aquifer there will be a few inches of drawdown that may extend no more than a hundred feet away.

David Geyer representing Alexandria Gravel and an area landowner stated the testimony reflects that glacial outwash aquifer is largely a reflection of climatic conditions. Based on this fact, Mr. Geyer stated during a drought one would assume the water levels to go down. Mr. Tieman agreed that this aquifer will respond to drought conditions or the climate at the time.

Mr. Geyer asked what is an unconfined aquifer mean. Mr. Tieman stated an unconfined aquifer means there are no impermeable layers that produce a confinement for that layer. The aquifer is open such that water moving through the profile can move through the aquifer.

Mr. Geyer asked if there is a drought situation and the water level in the aquifer goes down, who would lose water first. Mr. Tieman stated it is hard to tell without a specific aquifer test. However, you would expect the up gradient diversion point to see the effect prior to the down gradient diversion. Discharging water from the Dakota aquifer into the pond will cause the loss of some water to the glacier outwash in the area.

In response to Mr. Geyer, Mr. Tieman stated he was not able to speculate on the water quality. Mr. Geyer hypothesized that if the water quality of the Dakota aquifer is bad it could have detrimental effects to the aquifer that it is being discharged into.

Mr. Geyer asked about how many ponds were at that location. Mr. Tieman stated there are a series of ponds. Mr. Tieman stated the ponds have been there for a number of years so this infrastructure is already in place. Mr. Tieman stated the main source of water is the shallow surficial aquifer along with some incidental surface run-off. The water from the well completed into the Dakota aquifer is meant to supplement these pond levels when the water level is dropping.

Mr. Hoyt stated, referring to the petition from Mr. Geyer, it indicates the Morgan's get water from a natural spring. Mr. Hoyt questioned what protection does the law offer natural springs as a water source. Mr. Tieman stated the springs themselves are not protected although springs are an item the Board has expressed interest in from a public interest perspective. Mr. Hoyt followed up that artesian head pressure is not necessarily protected under law to which Mr. Tieman concurred. Mr. Hoyt asked the definition of an adequate well to which Mr. Tieman stated an adequate well is a well that has a pump placement at least 20 feet into the aquifer.

Mr. Comes stated the petitions refer to the potential impact to livestock watering and the negative effects on some stock dams. Mr. Comes questioned since this is a porous surficial aquifer wouldn't that limit the effect on stock dams. Mr. Tieman stated he concurred Mr. Comes' assessment.

Mr. Hutmacher questioned if a Dakota well would flow at this site. Mr. Tieman stated based on the information available he thinks the water level of the Dakota aquifer will be very near the ground surface.

Ms. Northrup called Terry Monson to testify. The court reporter administered the oath. Mr. Monson stated he lives in the area and is the mine superintendent for Unique Railroad Contractors at this site. The mine has been in operation since the late 1970's. The current operation, for which they have a mine license issued by DENR, started in 1998.

In answer to a question from Ms. Northrup, Mr. Monson stated Thomas Cline with the Mineral and Mining Program inspects the area annually. Also, federal representatives from the mining safety and health administration conduct yearly inspections.

Ms. Northrup inquired when it first came to Unique Railroad Contractors' attention that a water permit was needed. Mr. Monson stated earlier this year when Alexandria Gravel Products applied for a water permit, questions came up about their needing a water permit. Mr. Monson stated since learning they needed a water permit they have not used water. They shut down their operation at this site in the spring.

Ms. Northrup offered Exhibit Nos. A1 through A10, which are pictures Mr. Monson took at the mine site. With no objections, Mr. Hutmacher accepted Exhibit Nos. A1 through A10.

Mr. Monson discussed each exhibit.

A1 - entrance to site and mine office

A2 - wash plant

A3 - sand conveyor coming off the wash plant

A4 - collection pond and berm installed at request of county/township to protect road

A5 - same collection pond taken from a different angle

A6 - collection pond

A7 - shows contour of the land and how it slopes to the northeast of the area

A8 - directly east of intersection showing elevation drop of the property

A9 - roadway between aggregate operations

A10 - picture from road

Mr. Monson stated he understands that the application for a water permit includes permission for use from the existing ponds and a proposed well. Mr. Monson stated a test hole was drilled April 2018. The well will be between 800 to 1000 feet and will be used if the ground water table and surface water diminishes such that the water level in the ponds is no longer sufficient. In response to a question from Ms. Northrup, Mr. Monson stated there has only been one time in the last 20 years that there was not sufficient water in the ponds. That lasted for about three weeks.

Mr. Monson stated he had reviewed the Chief Engineer's recommendations and agrees with the recommendations. He has contacted a licensed well driller to assist them in completing a well.

Ms. Northrup asked if they had any complaints regarding impacts to domestic wells or other water sources in the area. Mr. Monson responded there have been no complaints.

Mr. Monson stated he has reviewed the petitioners concerns. Mr. Monson stated the petitioner's water source is about $\frac{1}{2}$ to $\frac{3}{4}$ of a mile from their aggregate operation. Mr. Monson stated he did not think there will be an impact based on his review of the contour map and the direction of water flow. Mr. Monson stated their operation will not have a negative impact on Alexandria Gravel Products. Mr. Monson stated their water collection system consists of a collection pond and three recirculating ponds.

Mr. Monson requested the Board to grant them the water permit to use the water collected in the ponds and for drilling a well into the Dakota aquifer.

Mr. Geyer cross examined Mr. Monson regarding the berm on Exhibit A4. Mr. Monson stated the berm was constructed at the request of the township to stop runoff onto the road. The berm is about 2 feet high and up to 5 to 6 feet high in the northeast corner. The collection pond ranges from 3 to 14 feet deep.

Mr. Monson testified when taking the picture for Exhibit A6 he was standing on a mound of overburden. The picture in Exhibit A7 is looking straight towards the other gravel operation. Exhibit A10 is a picture taken from the floor which is 6 to 7 feet lower than the road.

Mr. Geyer asked if the collection pond had ever been dry. Mr. Monson testified it was dry in 2017.

In answer to a question from Mr. Hutmacher regarding overburden, Mr. Monson stated it varies. In some places it might be a foot up to 12 feet. He estimated on average two feet of overburden. Mr. Hutmacher further questioned if the collection pond was sealed. Mr. Monson stated the pond is sealed with clay.

Ms. Northrup had no other witnesses.

Mr. Geyer called no witnesses.

Counsel for parties gave closing remarks.

Ms. Bailey indicated DENR had planned to bring the applications for both Alexandria Gravel Products and Unique Railroad Contractors before the board at the same time. However, that was not possible based on when Application No. 8338-3 was filed. Ms. Mines Bailey stated the chance of impairment from the Pleistocene Unknown aquifer water source was not likely due to the flow direction. In the case of the Dakota aquifer, it is a vast resource, and there is water for use from it. Ms. Bailey requested the Board approve the water application with the recommendations set forth by the Chief Engineer. The proposed qualifications includes reporting of the amount withdrawn from the well and the ponds on an annual basis, provides general qualifications to protect domestic users and limits the total diversion at 160 acre feet water per year.

Ms. Northrup indicated the testimony today is that water is available. This permit is very important to Unique Railroad Contractors as they are currently about out of product. Ms. Northrup asked the Board to grant the permit.

Mr. Geyer stated his client's concern regards collection of water in the pond as it limits the water coming on to their property. The other concern is the quality of water from the Dakota aquifer being discharged into the ponds could impact the neighboring landowner.

Motion by Ms. Dixon, seconded by Mr. Hoyt to approve Water Permit Application No. 8338-3 subject to the qualifications of the Chief Engineer. Motion carried unanimously by roll call vote.

Chairman Hutmacher directed Ms. Mines Bailey to prepare findings of fact, conclusions of law and final decision for Board consideration in December. Proposed findings are to be sent to Board members and parties by November 9th and responses to proposed findings due November 19th.

Motion by Mr. Bjork, seconded by Mr. Comes, that Permit No. 8338-3 be issued immediately, and the findings will be formalized at the December meeting. Motion carried unanimously by roll call vote.

PUBLIC COMMENT PERIOD - There were no public comments.

Motion by Ms. Dixon, seconded by Mr. Comes, that the meeting be adjourned. Motion carried unanimously by voice vote.

Leo Holzbauer stated he will be absent for the July 2019 meeting.

Meeting adjourned at 4:00 PM.

DRAFT

WATER MANAGEMENT BOARD MEETING
October 4, 2018

Water Permit Applications to be Considered as Scheduled

No.	Name	Address	County	Amount	Use	Source	Qualifications
8338-3	Unique Railroad Contractors	Wahpeton ND	ML	0.22 cfs	com/ind	1 well-Dakota Aquifer & ponds	wi, wcr, 2 special

Unopposed New Water Permit Applications Issued Based on the Chief Engineer Recommendations

1979-1	Homestake Mining Co.	Central City	MD	8.0 cfs	566.90 ac	Belle Fourche River	If, iq
1980-1	Homestake Mining Co.	Central City	MD	10.7 cfs	752.56 ac	Belle Fourche River	If, iq
1981-1	Homestake Mining Co.	Central City	MD	9.6 cfs	675.18 ac	Belle Fourche River	If, iq
1982-1	Foothills Land & Cattle LLC	Northville	BU	0.333 cfs	commercial	1 well-Inyan Kara Aquifer	wi, 5 special
1983-1	Continental Resources	Oklahoma City	HR	0.5 cfs	industrial	1 well-Inyan Kara Aquifer	wi, 2 special
1984-1	Meade School District 46-1	Sturgis	MD	0.10 cfs	institutional	1 well-Fox Hills Aquifer	wi, wcr, 2 special
2790-2	Blue Wing Recreation Corp	Rapid City	PE	0.017 cfs	commercial	2 wells-Crystalline Rock extension of time	wi, 2 special
7852A-3	Sioux Rural Water System	Watertown	HN	no add'l	RWS		wi, wcr, 2 special
8351-3	Boyd Reimnitz	Mitchell	UN	1.50 cfs	65 acres	1 well-Missouri:Elk Point	wi, wcr, iq, 1 special
8354-3	Two Rivers Inc.	Dakota Dunes	UN	1.11 cfs	30 acres	1 well-Missouri:Elk Point dugout-Selby Aquifer	wi, wcr, iq, 1 special
8355-3	Eureka Redi Mix	Eureka	MP	0.89 cfs	com		wi, 3 special
8356-3	City of Sioux Falls	Sioux Falls	MA	0.333 cfs	geothermal	4 wells-Sioux Quartzite	wi, 2 special
8357-3	Jensen Rock & Sand Inc.	Mobridge	FA	0.13 cfs	commercial	1 well-Grand Aquifer	wi, wcr, 2 special
8358-3	Sonstegard Food Company	Sioux Falls	TU	1.11 cfs	commercial	2 wells-Parker Centerville	wi, wcr,
8359-3	City of Brandon	Brandon	MA	1.34 cfs	42 acres	Split Rock Creek	If, iq, 3 special
8360-3	Clark Rural Water System	Clark	CK	no add'l	no add'l	Vermillion E Fork:Antelope Lk	none
8361-3	Mark A Hohn	Ethan	DN	0.17 cfs	145 acres	1 well-Niobrara	wi, wcr, 4 special
8362-3	Chicoine Legacy Farm LLC	Elk Point	UN	1.33 cfs	85 acres	1 well-Missouri:Elk Point	wi, wcr, iq, 1 special
8363-3	JD Bieber Enterprises, Inc.	Eureka	MP	1.78 cfs	136 acres	1 well-Hillsview Aquifer	wi, wcr, iq
8364-3	Daniel and Scott Hanson	Elk Point	UN	2.22 cfs	93 acres	1 well-Missouri:Elk Point	wi, wcr, iq, 1 special
8365-3	Chris Roebke	Clark	CK	0.89 cfs	80 acres	2 wells-Altamont Aquifer	wi, wcr, iq
8366-3	Gage Brothers	Sioux Falls	MA	0.44 cfs	industrial	2 wells-Big Sioux:South	wi, wcr, 2 special
8370-3	Dwight Warkenthien	Willow Lake	CK	0.44 cfs	commercial	3 wells-Vermillion East Fork:Willow Lake Aquifer	wi, wcr, 4 special

Future Use Review8

No.	Name	Address	County	Amount Remaining in Reserve	Use	Source	Qualifications
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5072-3	TM Rural Water District	Parker	TU	66 AF	rws	Dolton Aquifer	none
5444-3	City of Valley Springs	Valley Springs	MA	188 AF	municipal	Split Rock Creek Aquifer	none

DRAFT

CANCELLATIONS – DECEMBER 5, 2018

Number	Original Owner	Present Owner(s) & Other Persons Notified	County	Amount C.F.S.	Use	Reason	Source	Date Notified	Letters
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DIVISION I WATER PERMIT

PE 1660-1	Don Bennett w/GFK Inc.	Don Bennett w/GFK Inc.; Todd Battles and Brett Burditt both with Meade County School District	MD	0.022	COM	A/F	ground water, one well Minnekahta Limestone	11-6-18	
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DIVISION II WATER PERMITS

PE 1400-2	Ben Handcock	Grant Patterson	JA	2.60	IRR	A/F	Brady Creek Willow Creek	11-6-18	
PE 2569A-2	Jay & Malinda Gunnink	same	TD	2.28	IRR	NC	ground water, one well Ogallala Aquifer	11-6-18	
PE 2746A-2	Forrest Stewart	same	BT	1.80	IRR	A	ground water, one well Ogallala Aquifer	11-6-18	

DIVISION III WATER RIGHT AND WATER PERMIT

RT 1217A-3	Watertown School District No. 14-4	same (% Rick Hohn, Business Manager)	CD	0.20	IRR	A/F	ground water, one well Big Sioux North Aquifer	11-6-18	
PE 7629-3	William Bucklin	same	GT	0.63	IRR	NC	ground water, one well Prairie Coteau Aquifer	11-6-18	

ABBREVIATIONS

N/C = NON-CONSTRUCTION	A/F = ABANDONMENT OR FORFEITURE	A = ABANDONMENT	FCP = FLOOD CONTROL PERMIT
V/R = VESTED WATER RIGHT	US = US WITHDRAWAL	PE = WATER PERMIT	RT = WATER RIGHT
IRR = IRRIGATION	LCO=LIVESTOCK CONFINEMENT OPERATION	COM = COMMERCIAL	MUN = MUNICIPAL
INS = INSTITUTIONAL	SHD = SUBURBAN HOUSING DEVELOPMENT	RWS = RURAL WATER SYSTEM	IND = INDUSTRIAL



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
<http://denr.sd.gov>

November 6, 2018

NOTICE OF CANCELLATION

TO: Todd Battles, Maintenance Foreman, Meade County School District, 12940 E Hwy 34,
Sturgis SD 57785

Brett Burditt, Business Manager, Meade County School District, 1230 Douglas Street,
Sturgis SD 57785

Don Bennett, GFK Inc., 12300 Stagebarn Trail, Piedmont SD 57769

FROM: Ron Duvall, Water Rights Permitting Administrator
for Jeanne Goodman, Chief Engineer
Water Rights Program

SUBJECT: Cancellation of Water Permit No. 1660-1

Water Permit No. 1660-1, held by GFK Inc., appropriates 0.022 cfs (10 gpm) from one well into the Minnekahta Limestone located in the approximate center of the SE ¼ Section 23, T3N, R6E for commercial purposes. On September 6, 2018, Steve Quissell, a staff engineer with the Water Rights Program spoke with Todd Battles with the Meade County School District. Initially discussions were held by the District to determine if the well would be used for watering turf at the newly constructed Stagebarn Elementary School. Mr. Battles indicated the well has been plugged. Based on this information and with a copy of the well plugging report now on file, the Chief Engineer of the Water Rights Program is recommending cancellation of Water Permit No. 1660-1 due to abandonment and/or forfeiture.

The Water Management Board will consider cancellation of Water Permit No. 1660-1 at **11:00 am, Wednesday, December 5, 2018** (Central Time) in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD (*the agenda time is an estimate and the actual time of hearing may be later*).

The recommendation of the Chief Engineer is not final or binding upon the Board. The Board is authorized to 1) cancel, 2) cancel portions of, 3) delay action on, or 4) take no action on Water Permit No. 1660-1 based upon facts presented at the public hearing. Our records show the Meade County School District to be the owner of property covered by this water permit. If you wish to oppose the cancellation and if you intend to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, you must file a written petition with the Chief Engineer by November 26, 2018. The petition may be informal, but it must include a statement describing the reasons for your opposition to the cancellation, and your signature and mailing address or your legal counsel if legal counsel is obtained.

November 6, 2018
Water Permit No. 1660-1
Page 2

The hearing will be conducted pursuant to the provisions of SDCL 46-1-1 thru 46-1-10, 46-1-14 thru 46-1-15; 46-2-3.1, 46-2-9, 46-2-11, 46-2-17; 46-5-36, 46-5-37, 46-5-37.1; 46-2A-1 thru 46-2A-7; and Board Rules ARSD 74:02:01:36 thru 74:02:01:41. These are contested cases pursuant to procedures contained in SDCL 1-26.

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

The time of the hearing will be automatically extended for at least twenty days upon your written request to the Chief Engineer after a petition has been filed to oppose the cancellation. If an extension is requested, the hearing on the cancellation will be continued until the next regular Board Meeting. Any request for extension must be filed with the Chief Engineer by November 26, 2018.

Prior to November 26, 2018, contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) if assistance is needed with the following: 1) further information on the proposed cancellation; 2) to assure access to the meeting room for the handicapped; or 3) to obtain an interpreter for the hearing impaired.

According to SDCL 1-26-18.3, parties to a contested case may use the Office of Hearing Examiners to conduct a hearing if either a property right is being terminated or the dollar amount in controversy exceeds \$2,500.00. If you choose to use the Office of Hearing Examiners rather than the hearing procedure described above, then you need to notify the Chief Engineer (Water Rights Program, 523 E. Capitol Avenue, Pierre SD) by November 16, 2018.



**DEPARTMENT of ENVIRONMENT
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RECOMMENDATION OF CHIEF ENGINEER

FOR WATER PERMIT NO. 1660-1, GFK INC.

Pursuant to SDCL 46-2A-2 and 46-5-37.1, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Water Permit No. 1660-1, now owned by the Meade County School District.

The Chief Engineer is recommending cancellation of the above water permit due to abandonment and/or forfeiture.

Water Permit No. 1660-1, was issued to GFK Inc. for diversion of water from a well drilled into the Minnekahta Limestone for commercial purposes. The Meade County School District is the owner of the property where the well was located. A decision was made by the District to plug the well instead of using it to water turf at the Stagebarn Elementary School. The well was plugged by Taylor Drilling Company in September, 2017. A copy of the plugging report is on file with the Water Rights Program.

A handwritten signature in black ink, appearing to read 'Ron Duvall', is written in a cursive style.

Ron Duvall, Water Rights Permitting Administrator
for Jeanne Goodman, Chief Engineer
November 6, 2018

Note:

Cancellation of the water permit does not prohibit a new application for this project in the future.



DEPARTMENT of ENVIRONMENT
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November 6, 2018

NOTICE OF CANCELLATION

TO: Grant Patterson, PO Box 579, Kadoka SD 57543-0579

FROM: Ron Duvall, Water Rights Permitting Administrator
for Jeanne Goodman, Chief Engineer
Water Rights Program

SUBJECT: Cancellation of Water Permit No. 1400-2

Water Permit No. 1400-2 authorizes diversion of water from Brady and Willow Creeks in Jackson County to irrigate 184 acres. On September 26, 2018, Steve Quissell, a staff engineer with our program contacted you for the purposes of conducting a licensing investigation of the project described in the permit. It is our understanding you purchased the property in about 1986 and have never applied water to the acreage and did not intend to irrigate. Based on this information, the Chief Engineer of the Water Rights Program is recommending cancellation of Water Permit No. 1400-2 due to abandonment and/or forfeiture.

The Water Management Board will consider cancellation of Water Permit No. 1400-2 at **11:00 am, Wednesday, December 5, 2018** (Central Time) in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD (*the agenda time is an estimate and the actual time of hearing may be later*).

The recommendation of the Chief Engineer is not final or binding upon the Board. The Board is authorized to 1) cancel, 2) cancel portions of, 3) delay action on, or 4) take no action on Water Permit No. 1400-2 based upon facts presented at the public hearing. Our records show you to be the owner of property covered by this water permit. If you wish to oppose the cancellation and if you intend to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, you must file a written petition with the Chief Engineer by November 26, 2018. The petition may be informal, but it must include a statement describing the reasons for your opposition to the cancellation, and your signature and mailing address or your legal counsel if legal counsel is obtained.

The hearing will be conducted pursuant to the provisions of SDCL 46-1-1 thru 46-1-10, 46-1-14 thru 46-1-15; 46-2-3.1, 46-2-9, 46-2-11, 46-2-17; 46-5-36, 46-5-37, 46-5-37.1; 46-2A-1 thru 46-2A-7; and Board Rules ARSD 74:02:01:36 thru 74:02:01:41. These are contested cases pursuant to procedures contained in SDCL 1-26.

November 6, 2018
Grant Patterson
Page 2

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

The time of the hearing will be automatically extended for at least twenty days upon your written request to the Chief Engineer after a petition has been filed to oppose the cancellation. If an extension is requested, the hearing on the cancellation will be continued until the next regular Board Meeting. Any request for extension must be filed with the Chief Engineer by November 26, 2018.

Prior to November 26, 2018, contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) if assistance is needed with the following: 1) further information on the proposed cancellation; 2) to assure access to the meeting room for the handicapped; or 3) to obtain an interpreter for the hearing impaired.

According to SDCL 1-26-18.3, parties to a contested case may use the Office of Hearing Examiners to conduct a hearing if either a property right is being terminated or the dollar amount in controversy exceeds \$2,500.00. If you choose to use the Office of Hearing Examiners rather than the hearing procedure described above, then you need to notify the Chief Engineer (Water Rights Program, 523 E. Capitol Avenue, Pierre SD) by November 16, 2018.



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RECOMMENDATION OF CHIEF ENGINEER

FOR WATER PERMIT NO. 1400-2

Pursuant to SDCL 46-2A-2 and 46-5-37.1, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Water Permit No. 1400-2. The land is owned by Grant Patterson.

The Chief Engineer is recommending cancellation of the above water permit due to abandonment and/or forfeiture.

The land described in the permit was irrigated in the early 1980's. Grant Patterson purchased the land in about 1986 and has indicated he never applied water and did not intend to irrigate the acreage.

A handwritten signature in black ink, appearing to read "Ron Duvall".

Ron Duvall, Water Rights Permitting Administrator
for Jeanne Goodman, Chief Engineer
November 6, 2018

Note:

Cancellation of the water permit does not prohibit a new application for this project in the future.



DEPARTMENT of ENVIRONMENT
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November 6, 2018

NOTICE OF CANCELLATION

TO: Jay & Malinda Gunnink, 26861 296th St, Crookston NE 69212

FROM: Ron Duvall, Water Rights Permitting Administrator
for Jeanne Goodman, Chief Engineer
Water Rights Program

SUBJECT: Cancellation of Water Permit No. 2569A-2

Water Permit No. 2569A-2 reinstated Water Permit No. 2569-2 and authorized diversion of water from a well to be completed into the Ogallala Aquifer to irrigate the SW ¼ Section 9, T37N, R29W. On October 3, 2018, Steve Quissell with our program spoke with you about development of the project. You indicated no construction had occurred. The time limit for completion of works as specified in the permit expired on July 13, 2016. Based on this information, the Chief Engineer of the Water Rights Program is recommending cancellation of Water Permit No. 2469A-2 due to non-construction.

The Water Management Board will consider cancellation of Water Permit No. 2569A-2 at **11:00 am, Wednesday, December 5, 2018** (Central Time) in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD (*the agenda time is an estimate and the actual time of hearing may be later*).

The recommendation of the Chief Engineer is not final or binding upon the Board. The Board is authorized to 1) cancel, 2) cancel portions of, 3) delay action on, or 4) take no action on Water Permit No. 2569A-2 based upon facts presented at the public hearing. Our records show you to be the owners of property covered by this water permit. If you wish to oppose the cancellation and if you intend to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, you must file a written petition with the Chief Engineer by November 26, 2018. The petition may be informal, but it must include a statement describing the reasons for your opposition to the cancellation, and your signature and mailing address or your legal counsel if legal counsel is obtained.

The hearing will be conducted pursuant to the provisions of SDCL 46-1-1 thru 46-1-10, 46-1-14 thru 46-1-15; 46-2-3.1, 46-2-9, 46-2-11, 46-2-17; 46-5-36, 46-5-37, 46-5-37.1; 46-2A-1 thru 46-2A-7; and Board Rules ARSD 74:02:01:36 thru 74:02:01:41. These are contested cases pursuant to procedures contained in SDCL 1-26.

November 6, 2018
Jay & Malinda Gunnink
Page 2

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

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Prior to November 26, 2018, contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) if assistance is needed with the following: 1) further information on the proposed cancellation; 2) to assure access to the meeting room for the handicapped; or 3) to obtain an interpreter for the hearing impaired.

According to SDCL 1-26-18.3, parties to a contested case may use the Office of Hearing Examiners to conduct a hearing if either a property right is being terminated or the dollar amount in controversy exceeds \$2,500.00. If you choose to use the Office of Hearing Examiners rather than the hearing procedure described above, then you need to notify the Chief Engineer (Water Rights Program, 523 E. Capitol Avenue, Pierre SD) by November 16, 2018.



DEPARTMENT of ENVIRONMENT
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RECOMMENDATION OF CHIEF ENGINEER

FOR WATER PERMIT NO. 2569A-2, JAY & MALINDA GUNNINK

Pursuant to SDCL 46-2A-2 and 46-5-37.1, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Water Permit No. 2569A-2.

The Chief Engineer is recommending cancellation of the above water permit due to non-construction.

Water Permit No. 2569A-2 specified a completion date for construction of the project as July 13, 2016 with a date to put water to beneficial use of July 13, 2020. On October 3, 2018, Steve Quissell with the Water Rights Program spoke with Jay Gunnink concerning development of the project. Mr. Gunnink confirmed construction had not been completed.

Ron Duvall, Water Rights Permitting Administrator
for Jeanne Goodman, Chief Engineer
November 6, 2018

Note:

Cancellation of the water permit does not prohibit a new application for this project in the future.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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PIERRE SOUTH DAKOTA 57501-3182
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November 6, 2018

NOTICE OF CANCELLATION

TO: Forrest Stewart, 29845 237th Ave, Cody NE 69211

FROM: Ron Duvall, Water Rights Permitting Administrator
for Jeanne Goodman, Chief Engineer
Water Rights Program

SUBJECT: Cancellation of Water Permit No. 2746A-2

Water Permit No. 2746A-2 amended Water Permit No. 2746-2 by transferring portions of acreage and diversion rate authority to other permits. No. 2746A-2 authorizes a maximum diversion rate of 1.8 cfs from one well into the Ogallala Aquifer to irrigate 114 acres. On August 21, 2018, Steve Quissell with our program contacted you regarding licensing investigations for all of your permits. You indicated that after drilling fourteen test wells, only one well yielded an adequate water supply and you have opted to use that well for irrigation of land under Water Permit No. 2748-2. It is our understanding you have made the decision not to proceed with the project authorized under No. 2746A-2. The Chief Engineer of the Water Rights Program is recommending cancellation of Water Permit No. 2746A-2 due to abandonment.

The Water Management Board will consider cancellation of Water Permit No. 2746A-2 at **11:00 am, Wednesday, December 5, 2018** (Central Time) in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD (*the agenda time is an estimate and the actual time of hearing may be later*).

The recommendation of the Chief Engineer is not final or binding upon the Board. The Board is authorized to 1) cancel, 2) cancel portions of, 3) delay action on, or 4) take no action on Water Permit No. 2746A-2 based upon facts presented at the public hearing. Our records show you to be the owner of property covered by this water permit. If you wish to oppose the cancellation and if you intend to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, you must file a written petition with the Chief Engineer by November 26, 2018. The petition may be informal, but it must include a statement describing the reasons for your opposition to the cancellation, and your signature and mailing address or your legal counsel if legal counsel is obtained.

The hearing will be conducted pursuant to the provisions of SDCL 46-1-1 thru 46-1-10, 46-1-14 thru 46-1-15; 46-2-3.1, 46-2-9, 46-2-11, 46-2-17; 46-5-36, 46-5-37, 46-5-37.1; 46-2A-1 thru 46-2A-7; and Board Rules ARSD 74:02:01:36 thru 74:02:01:41. These are contested cases pursuant to procedures contained in SDCL 1-26.

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

The time of the hearing will be automatically extended for at least twenty days upon your written request to the Chief Engineer after a petition has been filed to oppose the cancellation. If an extension is requested, the hearing on the cancellation will be continued until the next regular Board Meeting. Any request for extension must be filed with the Chief Engineer by November 26, 2018.

Prior to November 26, 2018, contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) if assistance is needed with the following: 1) further information on the proposed cancellation; 2) to assure access to the meeting room for the handicapped; or 3) to obtain an interpreter for the hearing impaired.

According to SDCL 1-26-18.3, parties to a contested case may use the Office of Hearing Examiners to conduct a hearing if either a property right is being terminated or the dollar amount in controversy exceeds \$2,500.00. If you choose to use the Office of Hearing Examiners rather than the hearing procedure described above, then you need to notify the Chief Engineer (Water Rights Program, 523 E. Capitol Avenue, Pierre SD) by November 16, 2018.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
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**RECOMMENDATION OF CHIEF ENGINEER
FOR WATER PERMIT NO. 2746A-2, FORREST STEWART**

Pursuant to SDCL 46-2A-2 and 46-5-37.1, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Water Permit No. 2746A-2.

The Chief Engineer is recommending cancellation of the above water permit due to abandonment.

On August 21, 2018, Steve Quissell met with the permit holder to complete licensing investigations of various permits in his name. Mr. Stewart indicated he had drilled fourteen test wells and only one well yielded an adequate water supply. Due to the distance between the well and the planned acreage described in Water Permit No. 2746A-2, Mr. Stewart intended on using the well to irrigate land under Water Permit No. 2748-2 and did not intend to develop the project under No. 2746A-2.

Ron Duvall, Water Rights Permitting Administrator
for Jeanne Goodman, Chief Engineer
November 6, 2018

Note:

Cancellation of the water permit does not prohibit a new application for this project in the future.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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PIERRE SOUTH DAKOTA 57501-3182
<http://denr.sd.gov>

November 6, 2018

NOTICE OF CANCELLATION

TO: Rick Hohn, Business Manager, Watertown School District No. 14-4,
PO Box 730, Watertown SD 57201

FROM: Ron Duvall, Water Rights Permitting Administrator
for Jeanne Goodman, Chief Engineer
Water Rights Program

SUBJECT: Cancellation of Water Right No. 1217A-3

Water Right No. 1217A-3 authorizes diversion of water from one well into the Big Sioux North Aquifer for irrigation of 7.8 acres. On the 2018 irrigation questionnaire, you indicated the district has not used the well for irrigation for several years as the irrigation system is supplied by city water. In a follow-up communication with Genny McMath in our program you confirmed the well is not a backup water supply and is no longer hooked up to the system. Based on this information, the Chief Engineer of the Water Rights Program is recommending cancellation of Water Right No. 1217A-3 due to abandonment and/or forfeiture.

The Water Management Board will consider cancellation of Water Right No. 1217A-3 at **11:00 am, Wednesday, December 5, 2018** (Central Time) in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD (*the agenda time is an estimate and the actual time of hearing may be later*).

The recommendation of the Chief Engineer is not final or binding upon the Board. The Board is authorized to 1) cancel, 2) cancel portions of, 3) delay action on, or 4) take no action on Water Right No. 1217A-3 based upon facts presented at the public hearing. Our records show the Watertown School District to be the owner of property covered by this water right. If you wish to oppose the cancellation and if you intend to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, you must file a written petition with the Chief Engineer by November 26, 2018. The petition may be informal, but it must include a statement describing the reasons for your opposition to the cancellation, and your signature and mailing address or your legal counsel if legal counsel is obtained.

November 6, 2018
Watertown School District No. 14-4
Page 2

The hearing will be conducted pursuant to the provisions of SDCL 46-1-1 thru 46-1-10, 46-1-14 thru 46-1-15; 46-2-3.1, 46-2-9, 46-2-11, 46-2-17; 46-5-36, 46-5-37, 46-5-37.1; 46-2A-1 thru 46-2A-7; and Board Rules ARSD 74:02:01:36 thru 74:02:01:41. These are contested cases pursuant to procedures contained in SDCL 1-26.

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

The time of the hearing will be automatically extended for at least twenty days upon your written request to the Chief Engineer after a petition has been filed to oppose the cancellation. If an extension is requested, the hearing on the cancellation will be continued until the next regular Board Meeting. Any request for extension must be filed with the Chief Engineer by November 26, 2018.

Prior to November 26, 2018, contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) if assistance is needed with the following: 1) further information on the proposed cancellation; 2) to assure access to the meeting room for the handicapped; or 3) to obtain an interpreter for the hearing impaired.

According to SDCL 1-26-18.3, parties to a contested case may use the Office of Hearing Examiners to conduct a hearing if either a property right is being terminated or the dollar amount in controversy exceeds \$2,500.00. If you choose to use the Office of Hearing Examiners rather than the hearing procedure described above, then you need to notify the Chief Engineer (Water Rights Program, 523 E. Capitol Avenue, Pierre SD) by November 16, 2018.



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RECOMMENDATION OF CHIEF ENGINEER

FOR WATER RIGHT NO. 1217A-3, WATERTOWN SCHOOL DISTRICT NO. 14-4

Pursuant to SDCL 46-2A-2 and 46-5-37.1, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Water Right No. 1217A-3.

The Chief Engineer is recommending cancellation of the above water right due to abandonment and/or forfeiture.

The 2018 irrigation questionnaire submitted by the School District indicated they had not used the well for irrigation for several years and were supplied water by the City of Watertown. In an email communication with Mr. Hohn, he indicated the well was not used as a backup supply and was no longer hooked to the system.

A handwritten signature in black ink, appearing to read "Ron Duvall".

Ron Duvall, Water Rights Permitting Administrator
for Jeanne Goodman, Chief Engineer
November 6, 2018

Note:

Cancellation of the water permit does not prohibit a new application for this project in the future.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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<http://denr.sd.gov>

November 6, 2018

NOTICE OF CANCELLATION

TO: William Bucklin, 15029 455th Ave, Summit SD 57266

FROM: Ron Duvall, Water Rights Permitting Administrator
for Jeanne Goodman, Chief Engineer
Water Rights Program

SUBJECT: Cancellation of Water Permit No. 7629-3

Water Permit No. 7629-3 authorizes diversion of water from one well to be completed into the Prairie Coteau Aquifer for irrigation of 44 acres located in Section 1, T120N, R52W within the former boundaries of the Sisseton Wahpeton Indian Reservation. On September 5, 2018, Mark Rath with our program contacted you for the purposes of conducting a licensing investigation. You indicated you did not construct the irrigation system. The time for completion of the project, as outlined in the water permit, expired April 8, 2018. Based on this information, the Chief Engineer of the Water Rights Program is recommending cancellation of Water Permit No. 7629-3 due to non-construction.

The Water Management Board will consider cancellation of Water Permit No. 7629-3 at **11:00 am, Wednesday, December 5, 2018** (Central Time) in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD (*the agenda time is an estimate and the actual time of hearing may be later*).

The recommendation of the Chief Engineer is not final or binding upon the Board. The Board is authorized to 1) cancel, 2) cancel portions of, 3) delay action on, or 4) take no action on Water Permit No. 7629-3 based upon facts presented at the public hearing. Our records show you to be the owner of property covered by this water permit. If you wish to oppose the cancellation and if you intend to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, you must file a written petition with the Chief Engineer by November 26, 2018. The petition may be informal, but it must include a statement describing the reasons for your opposition to the cancellation, and your signature and mailing address or your legal counsel if legal counsel is obtained.

The hearing will be conducted pursuant to the provisions of SDCL 46-1-1 thru 46-1-10, 46-1-14 thru 46-1-15; 46-2-3.1, 46-2-9, 46-2-11, 46-2-17; 46-5-36, 46-5-37, 46-5-37.1; 46-2A-1 thru 46-2A-7; and Board Rules ARSD 74:02:01:36 thru 74:02:01:41. These are contested cases pursuant to procedures contained in SDCL 1-26.

November 6, 2018
William Bucklin
Page 2

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

The time of the hearing will be automatically extended for at least twenty days upon your written request to the Chief Engineer after a petition has been filed to oppose the cancellation. If an extension is requested, the hearing on the cancellation will be continued until the next regular Board Meeting. Any request for extension must be filed with the Chief Engineer by November 26, 2018.

Prior to November 26, 2018, contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) if assistance is needed with the following: 1) further information on the proposed cancellation; 2) to assure access to the meeting room for the handicapped; or 3) to obtain an interpreter for the hearing impaired.

According to SDCL 1-26-18.3, parties to a contested case may use the Office of Hearing Examiners to conduct a hearing if either a property right is being terminated or the dollar amount in controversy exceeds \$2,500.00. If you choose to use the Office of Hearing Examiners rather than the hearing procedure described above, then you need to notify the Chief Engineer (Water Rights Program, 523 E. Capitol Avenue, Pierre SD) by November 16, 2018.



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RECOMMENDATION OF CHIEF ENGINEER
FOR WATER PERMIT NO. 7629-3, WILLIAM BUCKLIN

Pursuant to SDCL 46-2A-2 and 46-5-37.1, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Water Permit No. 7629-3.

The Chief Engineer is recommending cancellation of the above water permit due to non-construction.

On September 5, 2018, a staff engineer with the program contacted the permit holder for conducting a field investigation of the project for licensing purposes. Mr. Bucklin indicated he never constructed the irrigation project. The time limit for completion of works as specified in the permit expired on April 8, 2018. A new permit would be required should the permit holder want to develop the irrigation project.

A handwritten signature in black ink, appearing to read "Ron Duvall".

Ron Duvall, Water Rights Permitting Administrator
for Jeanne Goodman, Chief Engineer
November 6, 2018

Note:

Cancellation of the water permit does not prohibit a new application for this project in the future.



CITY OF RAPID CITY

RAPID CITY, SOUTH DAKOTA 57701

Public Works Department

300 Sixth Street

Telephone: (605) 394-4165 FAX: (605) 355-3083

Web: www.rcgov.org

October 24, 2018

Karen Schlaak
Department of Environment and Natural Resources
Joe Foss Building
523 East Capitol
Pierre, SD 57501-3182

RECEIVED

OCT 26 2018

WATER RIGHTS
PROGRAM

Ref: Future Use Water Permit Nos. 439-2 and 1088-2; City of Rapid City, SD

Dear Ms. Schlaak,

This letter is in response to your letter dated October 4, 2018 regarding Rapid City's Future Water Permit Nos. 439-2 and 1088-2. It is the City of Rapid City's (City) intent to retain this water permit for future water needs of the City.

Attached for your information and use are graphs illustrating the City's water accounts and water production over the last several decades. Both graphs show steady overall growth. During the City's last renewal request in 2011 the City had 21,780 water accounts, and at the end of 2017 the City had 25,369 water accounts which is an increase of 14%.

Rapid City's population has and is expected to grow at approximately 1.5 % to 2% per year. Continued growth will require Rapid City to increase water production in order to meet the future water needs of the City. Attached is Rapid City's population growth since 2000, and population projections from our Comprehensive Plan.

Although existing sources can supply current demands, future water sources will be needed to meet future needs. Rapid City is currently in the process of updating our Water Utility Master Plan. Therefore, a current needs assessment is not available. However, as Rapid City is a vibrant growing community we expect water resource needs to continue to grow at or above the previous pace.

If you have questions or need additional information concerning this request please contact me at (605) 394-4165.

Sincerely,

Dale Tech, P.E.
Public Works Director

Cc: Jeff Crockett, Water Division Superintendent



CITY OF RAPID CITY

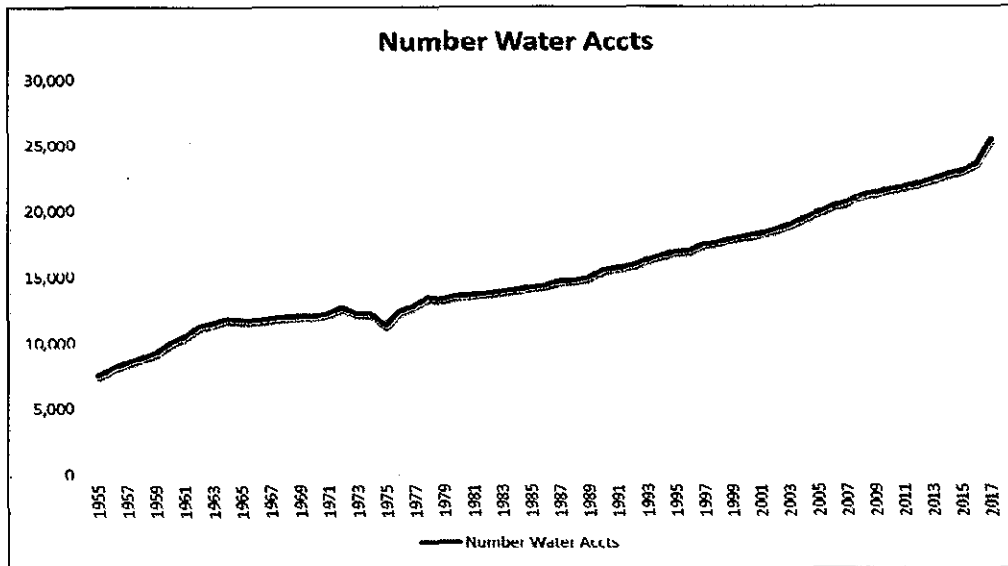
RAPID CITY, SOUTH DAKOTA 57701

Public Works Department

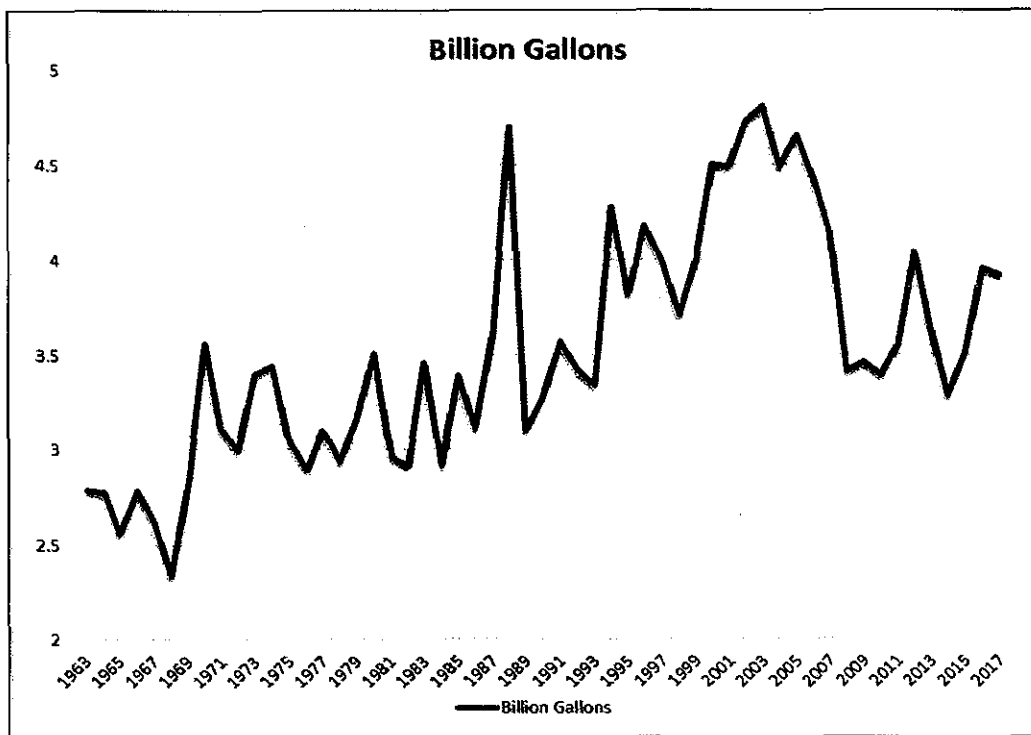
300 Sixth Street

Telephone: (605) 394-4165 FAX: (605) 355-3083

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Rapid City Water Division 2017



Rapid City Water Division 2017



CITY OF RAPID CITY

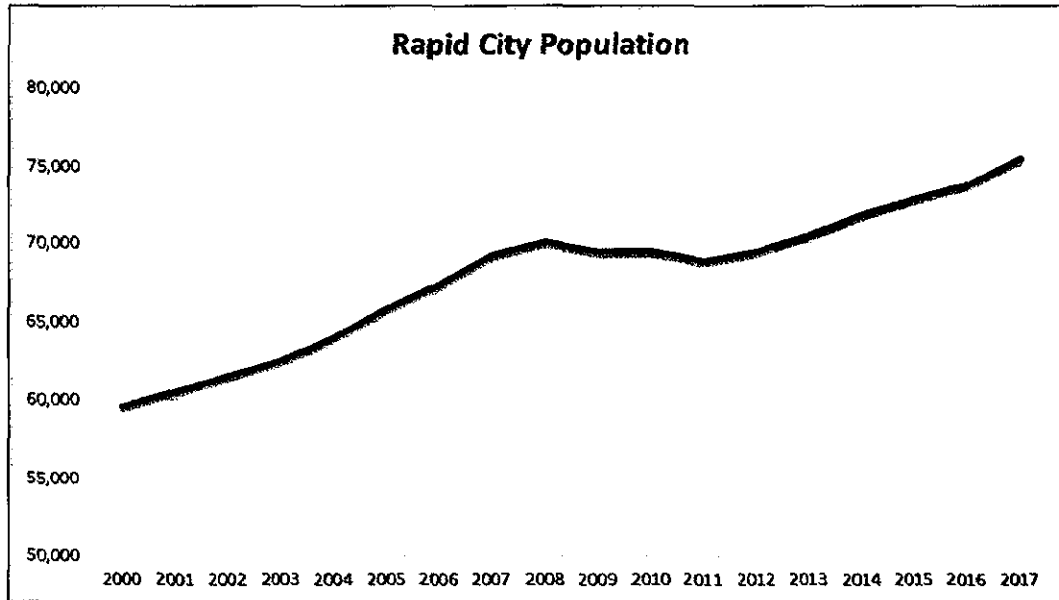
RAPID CITY, SOUTH DAKOTA 57701

Public Works Department

300 Sixth Street

Telephone: (605) 394-4165 FAX: (605) 355-3083

Web: www.rcgov.org



Rapid City Community Development 2018

Population Growth

- Rapid City's population is expected to continue to grow in the upcoming decades. By 2035, Rapid City's population could grow to more than **85,000** people (see the Housing section for more information about future growth projections).²
- The amount of population growth depends on myriad factors such as household sizes, vacancy rates, and housing and employment growth, but in a high-growth scenario, Rapid City's population could reach nearly **97,000** people by 2035.

	2013	2020	2035
Rapid City Low	67,956	85,378	17,422
Rapid City High	67,956	96,630	28,674

Source: Clarion Associates and Economic and Planning Systems, 2013

Population Projection, Rapid City Comprehensive Plan 2014



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

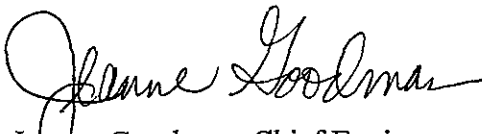
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RECOMMENDATION OF CHIEF ENGINEER FOR FUTURE USE WATER PERMIT
NO. 439-2, City of Rapid City

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Future Use Water Permit No. 439-2, City of Rapid City, 300 6th St, Rapid City SD 57701.

The Chief Engineer is recommending that Future Use Permit No. 439-2 REMAIN in EFFECT for 3,367 acre-feet annually because 1) there is reasonable probability that there may be development of the water reserved under Permit No. 439-2, 2) the city has demonstrated a reasonable need for the water reserved by Permit No. 439-2, 3) the proposed use will be a beneficial use and 4) it is in the public interest.

Maintaining the effectiveness of Future Use Permit No. 439-2 is subject to payment of the \$345.00 fee pursuant to SDCL 46-2-13(2) within 60 days of notice to the city after the Board hearing.


Jeanne Goodman, Chief Engineer
October 31, 2018



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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RECOMMENDATION OF CHIEF ENGINEER FOR FUTURE USE WATER PERMIT
NO. 1088-2, City of Rapid City

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Future Use Water Permit No. 1088-2, City of Rapid City, 300 6th St, Rapid City SD 57701.

The Chief Engineer is recommending that Future Use Permit No. 1088-2 REMAIN in EFFECT for 4,830 acre-feet annually because 1) there is reasonable probability that there may be development of the water reserved under Permit No. 1088-2, 2) the city has demonstrated a reasonable need for the water reserved by Permit No. 1088-2, 3) the proposed use will be a beneficial use and 4) it is in the public interest.

Maintaining the effectiveness of Future Use Permit No. 1088-2 is subject to payment of the \$465.00 fee pursuant to SDCL 46-2-13(2) within 60 days of notice to the city after the Board hearing.

Jeanne Goodman, Chief Engineer
October 31, 2018

Affidavit of Publication

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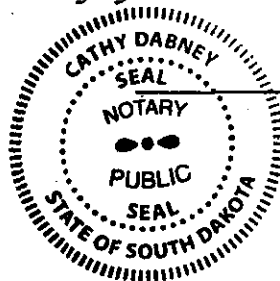
STATE OF SOUTH DAKOTA

County of Pennington SS:

Sheri Sponder being first duly sworn, upon his/her oath says: That he/she is now and was at all time hereinafter mentioned, an employee of the RAPID CITY JOURNAL, a corporation of Rapid City, South Dakota, the owner and publisher of the RAPID CITY JOURNAL, a legal and daily newspaper printed and published in Rapid City, in said County of Pennington, and has full and personal knowledge of all the facts herein stated as follows: that said newspaper is and at all of the times herein mentioned has been a legal and daily newspaper with a bonafide paid circulation of at least Two Hundred copies daily, and has been printed and published in the English language, at and within an office maintained by the owner and publisher thereof, at Rapid City, in said Pennington County, and has been admitted to the United States mail under the second class mailing privilege for at least one year prior to the publication herein mentioned; that the advertisement, a printed copy of which, taken from said Rapid City Journal, the paper in which the same was published, is attached to this sheet and made a part of this affidavit, was published in said paper once each _____ day _____ for _____ one _____ successive _____ day _____, the first publication there of being on the _____ 7th _____ day of _____ Nov 2018 _____ that the fees charged for the publication there of are _____ 69 _____ dollars and _____ 54 _____ cents.

Sheri Sponder

Subscribed and sworn to before me this _____ 7th _____ day of _____ November _____, _____ 2018 _____.



Cathy Dabney
Notary public
4-16-2024
My commission expires

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NOS. 439-2 AND 1088-2
Notice is given that the Water Management Board will review Future Use Permits Nos. 439-2 and 1088-2 held by the City of Rapid City, Rapid City Public Works Director, 300 17th St, Rapid City, SD 57701, for progress made in the development and future plans for the development on the water reserved by the Permits.
Permit No. 439-2 was approved in 1957 and currently reserves 3,367 acre-feet from groundwater infiltration galleries and Minnelusa and Madison Formation wells located along Rapid Creek in the SE 1/4 NE 1/4 Section 9 and NW 1/4 SE 1/4 Section 9 and SW 1/4 SW 1/4 Section 9, all in T1N-R7E for municipal use.
Permit No. 1088-2 was approved in 1971 and currently reserves 4,830 acre-feet from Rapid Creek located in the SE 1/4 NE 1/4 Section 3-T1N-R7E for municipal use.
Pursuant to SDCL 46-2A-28 the Chief Engineer for Water Rights Program recommends that Permit Nos. 439-2 and 1088-2 BE WAIVED IN EFFECT for 3,367 acre-feet annually and 4,830 acre-feet annually, respectively because 1) the reserved water may be developed 2) there is need for the reserved water 3) the proposed use will be beneficial use and 4) it is in the public interest.
The Water Management Board will conduct the hearing to review Future Use Permits Nos. 439-2 and 1088-2 at 11:00 am CST on December 5, 2018 at Floyd Marlow Training Center, Joe Foss Bldg 523, E Capitol Pierre, SD 57501.
The recommendations of the Chief Engineer are not final or binding upon the Board and the Board is authorized to 1) allow the permits to remain in effect; 2) amend the permits by adding qualifications; 3) cancel the permits for no development or no planned future development; or 4) take no action if the Board reaches a conclusion based upon facts presented at the public hearing.
Any interested person who may be affected by the Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses, according to SDCL 46-26, must file a written petition with BOTH the permit owner and the Chief Engineer by November 26, 2018. The Chief Engineer's address is Water Rights Program, Joe Foss Building 523, E Capitol Ave., Pierre, SD 57501 (605) 772-3522 and the permit holders mailing address is given above. The petition may be informal, but it must include a statement describing the petitioner's interest in the future use of the permits, the reasons for the petitioner's opposition to or support of continuing the future use permits, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The permit owner need not file a petition.
The hearing to review Future Use Permits Nos. 439-2 and 1088-2 will be conducted pursuant to the provisions for SDCL 46-21-2, 46-21-5, 46-21-7, 46-21-8, 46-21-9, Board Rules ARSD 74:02-01-25.01, and 74:02-01-25.03 and contested case procedures contained in SDCL 46-21-26.
This hearing is an adversary proceeding. The permit owner or any person, after filing a petition, has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

Any person wishing a copy of the Chief Engineer's recommendation for further information on the permit or to assure access to the hearing by the handicapped or obtain an interpreter for the hearing, may contact the Chief Engineer, Water Rights Program, (605) 773-3352, by November 26, 2018. The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permits. The request for a delay must be filed with the Chief Engineer by November 26, 2018.

According to SDCL 1-26-18.3, parties to a contested case may use the Office of Hearing Examiners to conduct a hearing if either a property right is being terminated or the dollar amount in controversy exceeds \$250,000. If any party chooses to use the Office of Hearing Examiners rather than the hearing procedure described above, then you need to notify the Chief Engineer (Water Rights Program, 523 E. Capitol Ave, Pierre, SD) by November 19, 2018.

Steven W. Rimer, 2018 District Secretary
 Department of Environment and Natural Resources

(Published once at an approximate cost of \$69.54)

IN THE _____ COURT
 COUNTY OF PENNINGTON

Publisher's and Attorney's Affidavit

Filed in the office of _____ on
 the _____ day of _____
 20 _____

Attorney for _____



RECEIVED

OCT 31 2018

WATER RIGHTS
PROGRAM

October 26, 2018

Department of Environment
And Natural Resources
Joe Foss Building
523 East Capitol
Pierre, SD 57501-3182

Dear Karen Schlaak:

I'm Robert Olson and I take care of the water system. Bob Sukut gave me your letter, he is no longer on the Board. He is moving to Oklahoma. We would like to have the Water Permit No, 1833-2 from Madison Aquifer held by the Weston Heights Homeowners Association renewed. The water use for 2015 was 25,339,400 gallons, 2016 was 28,394,000 gallons, 2017 was 35,108,200 gallons and gallons used to date 2018 is 23,240,100 gallons. We have eleven lots that we would like to sell. But we don't want to add any more homes onto the water system until we build a new taller water tower. We had to add onto our lagoon system and the bill was about \$1,000,000.00. I help write and apply for a grant, which was granted, the amount was \$300,000.00. We started a lay away account call the water tower account. We deposit \$1,450.00 each month. Once we have the lagoon paid off, we would like to build that new water tower. Then we could let people build new homes and connect to our water system and lagoon system. Therefore we would like the Water Permit renewed. If you have any questions, please feel to call, home phone 605-341-7317, cell phone is 605-415-1320.

Sincerely,



Robert Olson
6524 Beverly Drive
Rapid City, SD 57701



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

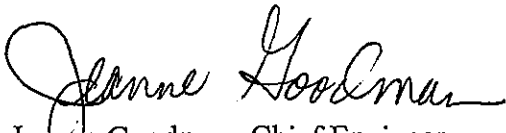
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RECOMMENDATION OF CHIEF ENGINEER FOR FUTURE USE WATER PERMIT
NO. 1833-2, Weston Heights Homeowners Association

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Future Use Water Permit No. 1833-2, Weston Heights Homeowners Association, c/o Robert Olson, 6524 Beverly Dr, Rapid City SD 57701.

The Chief Engineer is recommending that Future Use Permit No. 1833-2 REMAIN in EFFECT for 211 acre-feet annually because 1) there is reasonable probability that there may be development of the water reserved under Permit No. 1833-2, 2) the homeowners association has demonstrated a reasonable need for the water reserved by Permit No. 1833-2, 3) the proposed use will be a beneficial use and 4) it is in the public interest.

Maintaining the effectiveness of Future Use Permit No. 1833-2 is subject to payment of the \$75.00 fee pursuant to SDCL 46-2-13(2) within 60 days of notice to the homeowners association after the Board hearing.


Jeanne Goodman, Chief Engineer
October 31, 2018

Affidavit of Publication

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WATER RIGHTS
PROGRAM

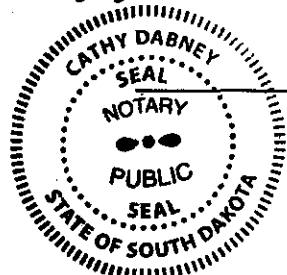
STATE OF SOUTH DAKOTA

County of Pennington SS:

Sheri Sponder being first duly sworn, upon his/her oath says: That he/she is now and was at all time hereinafter mentioned, an employee of the RAPID CITY JOURNAL, a corporation of Rapid City, South Dakota, the owner and publisher of the RAPID CITY JOURNAL, a legal and daily newspaper printed and published in Rapid City, in said County of Pennington, and has full and personal knowledge of all the facts herein stated as follows: that said newspaper is and at all of the times herein mentioned has been a legal and daily newspaper with a bonafide paid circulation of at least Two Hundred copies daily, and has been printed and published in the English language, at and within an office maintained by the owner and publisher thereof, at Rapid City, in said Pennington County, and has been admitted to the United States mail under the second class mailing privilege for at least one year prior to the publication herein mentioned; that the advertisement, a printed copy of which, taken from said Rapid City Journal, the paper in which the same was published, is attached to this sheet and made a part of this affidavit, was published in said paper once each day for one successive day, the first publication there of being on the 7th day of Nov 2018 that the fees charged for the publication there of are 65 dollars and 83 cents.

Sheri Sponder

Subscribed and sworn to before me this 7th day of November, 2018.



Cathy Dabney
Notary public

4-16-2024
My commission expires

Nov 7 12:09:22
NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NO. 1833-2
Notice is given that the Water Management Board will review Future Use Permit No. 1833-2 held by Veston Helms, Homeowners Association, c/o Robert Olson, 6524 Beverly Drive, Rapid City, SD 57701 for progress made in the development of the water reserved by the permit and future plans for development of the water reserved by Permit No. 1833-2. This permit was approved 1983 and currently reserves 211 acre feet from the Madison Aquifer located in the E 1/2 Section 22, T2N, R7E. The water is reserved for use by the suburban housing development located approximately 1/2 mile north of Rapid City, SD.
Pursuant to SDCL 47-27-02, the Chief Engineer of the Water Rights Program recommends that Permit No. 1833-2, REMAIN IN EFFECT for 211 acre feet annually because 1) the reserved water may be developed, 2) there is need for the reserved water, 3) the proposed use will be a beneficial use and 4) it is in the public interest.
The Water Management Board will conduct the hearing to review Future Use Permit No. 1833-2 at 11:00 AM on December 5, 2018 at Floyd Mathew Training Center, Joe Foss Bldg, 523 E Capitol, Pierre SD.
The recommendation of the Chief Engineer is not final for binding upon the Board and the Board is authorized to allow the permit to remain in effect, 2) amend the permit by adding qualifications, 3) cancel the permit for no development and no planned future development or 4) take no action if it reaches a conclusion based upon facts presented at the public hearing held on Nov 7, 2018 at 11:00 AM. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 47-26, must file a written petition with BOTH the permit owner and the Chief Engineer by November 26, 2018. The Chief Engineer's address is Water Rights Program, Joe Foss Building, 523 E Capitol Ave., Pierre, SD, 57501. (605-773-3352). The permit holder's mailing address is given above. The petition may be informal but must include a statement describing the petitioner's interest in the future use permit, the reasons for petitioner's opposition to or support of continuing the future use permit and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The permit owner need not file a petition.
The hearing to review Future Use Permit No. 1833-2 will be conducted pursuant to the provisions of SDCL 47-26-25, 47-26-29, 47-26-36 and the Board Rules ARSD 47-26-01, 47-26-02, 47-26-03, 47-26-04, 47-26-05, 47-26-06, 47-26-07, 47-26-08, 47-26-09, 47-26-10, 47-26-11, 47-26-12, 47-26-13, 47-26-14, 47-26-15, 47-26-16, 47-26-17, 47-26-18, 47-26-19, 47-26-20, 47-26-21, 47-26-22, 47-26-23, 47-26-24, 47-26-25, 47-26-26, 47-26-27, 47-26-28, 47-26-29, 47-26-30, 47-26-31, 47-26-32, 47-26-33, 47-26-34, 47-26-35, 47-26-36, 47-26-37, 47-26-38, 47-26-39, 47-26-40, 47-26-41, 47-26-42, 47-26-43, 47-26-44, 47-26-45, 47-26-46, 47-26-47, 47-26-48, 47-26-49, 47-26-50, 47-26-51, 47-26-52, 47-26-53, 47-26-54, 47-26-55, 47-26-56, 47-26-57, 47-26-58, 47-26-59, 47-26-60, 47-26-61, 47-26-62, 47-26-63, 47-26-64, 47-26-65, 47-26-66, 47-26-67, 47-26-68, 47-26-69, 47-26-70, 47-26-71, 47-26-72, 47-26-73, 47-26-74, 47-26-75, 47-26-76, 47-26-77, 47-26-78, 47-26-79, 47-26-80, 47-26-81, 47-26-82, 47-26-83, 47-26-84, 47-26-85, 47-26-86, 47-26-87, 47-26-88, 47-26-89, 47-26-90, 47-26-91, 47-26-92, 47-26-93, 47-26-94, 47-26-95, 47-26-96, 47-26-97, 47-26-98, 47-26-99, 47-26-100.
This hearing is an adversary proceeding. The permit owner or any person after filing a petition has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.
Any person wishing a copy of the Chief Engineer's recommendation, further information on this permit, to assure access to the hearing by the handicapped or obtain an interpreter for the hearing impaired may contact Eric Grandlund, Water Rights Program, (605-773-3352) by November 26, 2018. The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person

RECEIVED

NOV 19 2018

WATER RIGHTS PROGRAM

STATE OF SOUTH DAKOTA
DEPARTMENT OF ENVIRONMENT AND
NATURAL RESOURCES

WATER MANAGEMENT BOARD)
WATER PERMIT APPLICATION NO. 8338-3) OBJECTIONS TO FINDINGS
UNIQUE RAILROAD CONTRACTORS, D/B/A) OF FACT AND
KRAUSE BROTHERS) CONCLUSIONS OF LAW

COMES NOW, Unique Railroad Contractors, d/b/a Krause Brothers Construction (Krause Brothers), by and through their attorneys of record, Riter, Rogers, Wattier and Northrup, LLP and hereby submits the following Objections to the Findings of Fact and Conclusions of Law proposed by DENR Water Rights Program and its Chief Engineer.

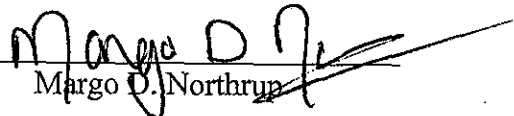
Objections

1. Krause Brothers objects to Finding of Fact No. 42 inasmuch as its an argument by legal counsel and is inappropriate to be included as a statement of fact.
2. Krause Brothers does not object to the remaining Findings of Fact and Conclusions of Law.

WHEREFORE, Krause Brothers requests the South Dakota Water Management Board adopt the Findings of Fact and Conclusions of Law as presented with the exclusion of Fact No. 42.

DATED at Pierre, South Dakota this 15 day of November, 2018.

RITER, ROGERS, WATTIER
& NORTHRUP, LLP

By: 
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