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MINUTES OF THE 236TH MEETING
OF THE WATER MANAGEMENT BOARD
FLOYD MATTHEW TRAINING CENTER
523 EAST CAPITOL AVENUE
PIERRE, SOUTH DAKOTA
MAY 4, 2022

CALL TO ORDER: Chairman Tim Bjork called the meeting to order at 9:30 a.m. Central Time. The roll was called, and a quorum was present.

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

The following attended the meeting:

Board Members: Rodney Freeman, Leo Holzbauer, and Peggy Dixon attended in person. Tim Bjork, Bill Larson, and Chad Comes attended remotely. Jim Hutmacher was absent.

Department of Agriculture and Natural Resources (DANR): Eric Gronlund, Chief Engineer, Ron Duvall, Mark Rath, Adam Mathiowetz, and Whitney Kilts, Water Rights Program.

Attorney General's Office: David McVey, board counsel; Ann Mines Bailey, Water Rights Program counsel.

Legislative Oversight Committee: Senator Mary Duvall.

Court Reporter: Stephanie Moen, Stephanie Moen & Associates, Mitchell, SD.

Consider Chief Engineer's Motion to Dismiss Robert Roeber Petition to Establish Ordinary High Water Mark on Cottonwood Lake in Spink County: Robert Roeber, Redfield, SD.

Consider Application No. 2840-2, Rapid Valley Sanitary District – Water Service to Reserve Water for Future Use: Talbot Wiczorek, counsel for Rapid Valley Sanitary District; Rusty Schmidt, manager of Rapid Valley Sanitary District; Dustin Dale, engineer, AE2S.

ADOPT FINAL AGENDA: Motion by Freeman, seconded by Dixon to adopt the agenda as posted. A roll call vote was taken, and the motion carried unanimously.

CONFLICT DISCLOSURES AND REQUESTS FOR STATE BOARD WAIVERS: None.

ADOPT MARCH 2, 2022, BOARD MEETING MINUTES: Motion by Freeman, seconded by Holzbauer, to approve the minutes of the March 2, 2022, Water Management Board meeting. A roll call vote was taken, and the motion with Dixon, Freeman, Holzbauer, Larson, and Bjork

voting aye. Comes abstained.

JULY 6-7, 2022, MEETING LOCATION: The July meeting will be in Pierre.

PUBLIC COMMENT PERIOD IN ACCORDANCE WITH SDCL 1-25-1: Robert Roeber, Spink County, commented regarding his nephew possibly applying for water permits sometime in the future for non-meandered waters in the Cottonwood Lake area.

UPDATE ON DANR ACTIVITIES: Eric Gronlund, Chief Engineer, Water Rights Program, stated that included in the board packet was a copy of an email from Marv Schumacher commenting on Water Permit Application No. 8573-3, MGJR LLC filed by Jonathon Hofer for irrigation north of Pierre. The ability to file a comment on an application without causing a contested case hearing went into effect July 1, 2021, and this is the first time the department has received a comment of this nature that is required to be included in the board packet. As part of that new statute, comments become part of the record and are required to be provided to the board.

Mr. Gronlund stated that this was a water permit application for additional irrigation from an existing well that was completed into the Grey Goose aquifer about 10 miles north of Pierre. The application was to irrigate an additional 110 acres. There was no increase in diversion rate, but it brought the number of acres to be irrigated to 190. Mr. Schumacher's well is about five miles to the southeast of this well, and he is the nearest water right holder. The Grey Goose aquifer is generally unconfined in Hughes County, but the report on this application did find that at that location it was somewhat confined. Based on observation well network data for the area, drawdown from area wells pumping is fairly minimal. The observation well, which has been in place since 1980, has shown an increase in water levels over the period of record, and Water Rights staff does not believe there is going to be unlawful impairment of existing rights.

Also included in the board packet was list of DANR 2022 legislative session accomplishments and a table of some bills that were of interest to the DANR Water Rights Program. Mr. Gronlund discussed the following 2022 bills:

- HB 1013 - Make appropriation for costs related to Capitol Lake. This bill provides general funds of \$500,000 and \$3,000,000 of federal fund expenditure authority to the Bureau of Administration to develop a master plan for Capitol Lake and the Veteran's Memorial, including plugging the existing well, and activities to improve the lake water quality, including dredging. The bill was signed by the Governor.
- SB 52 - Make an appropriation for the replacement of the Richmond Lake spillway and general repair of other state-owned dams. This bill appropriates \$6,500,000 to the Office of School and Public Lands for replacing the Richmond Lake spillway and for general repair of other state-owned dams. The bill was signed by the Governor.
- SB 62 - Make an appropriation for eligible water, wastewater, storm water, and nonpoint source projects. This bill provided \$600 million for water and sewer infrastructure investment from the American Recovery and Reinvestment Act (ARPA) funds. Funding will

provide quality drinking water and necessary sewer services promoting the health and welfare of the state's citizens and protecting our environment and natural resources. This is a transformative funding package that will impact South Dakota for generations. The bill was signed by the Governor.

- SB 64 - Make appropriation from the water and environment fund for various water and environmental purposes. This bill, commonly referred to as the Omnibus Bill, in part appropriated \$1,021,500 to DANR for hydrology and water management studies, specifically to fund drilling and development of up to 45 new observation wells and repair of six observation wells in the Black Hills and Sioux Falls region. This bill was signed by the Governor.
- SB 67 - Make an appropriation to Game, Fish and Parks to improve and repair infrastructure around Lake Alvin and Newell Lake. The bill appropriates \$5,600,000 to Game, Fish and Parks for construction, reconstruction, renovation, and modernization at Lake Alvin and Newell Lake. The bill was signed by the Governor.
- SB 181 - Require the Department of Agriculture and Natural Resources to assemble a task force to study the adoption of a watershed ecosystems management approach. The bill would have required the department to assemble a task force consisting of one representative from the department, one member from each of the river basin natural resource districts, one representative from each Native American nation possessing water rights to one or more river basin natural resource districts, one representative from the South Dakota Water Resources Institute at South Dakota State University, and any additional persons that possess the expertise in ecosystem resource management and water law and regulation. The bill asked that the task force quantify water availability in each watershed over next fifty years taking into consideration growth, climate change and tribal needs, determine the current quality of water in each watershed and identify potential future sources of contamination, and manage watersheds using an ecosystem approach to maximize quantity and quality. The bill required a report with a recommendation by June 30, 2023. The bill provided no funding or staffing. This bill was deferred to the 41st day by the Senate Agriculture and Natural Resources Committee.

Mr. Gronlund stated that the drought of 2021 and good commodity prices, the Water Rights Program has seen an extreme increase in water permit applications being filed. Fifty-three applications were processed in 2019, 70 applications were processed 2020, 141 applications were processed in 2021, and so far in 2022, 80 applications have been received. Mr. Gronlund noted that the Water Rights Program is short on staff at this time. The Water Rights Program has four vacant engineering positions and getting qualified applicants has been a challenge so none of those positions have been filled.

While most of South Dakota received precipitation over the last week, the prediction is still for drought this year. Mr. Gronlund stated that he and Mark Rath review the USGS gaging information every day to see what the flows are.

Mr. Gronlund answered questions from the board regarding the 2021 legislation that changed the

process for petitioning for a contested case hearing.

STATUS AND REVIEW OF WATER RIGHTS LITIGATION: Mr. McVey reported that the Powertech appeal is pending regarding the board’s order denying the motion to amend the procedural order to resume the evidentiary hearing.

ADMINISTER OATH TO DANR STAFF: The court reporter administered the oath to DANR staff who were present and intended to testify during the meeting.

CANCELLATION CONSIDERATIONS: Prior to the meeting, the board members received the board packet, which included a table listing the proposed cancellations, the notices of cancellation, and the chief engineer’s recommendations.

Nineteen water rights/permits/vested water rights were scheduled for cancellation. The owners were notified of the hearing and the reasons for cancellation. The department received no comments or letters in response to the notices of cancellation.

The chief engineer recommended cancellation of the following water rights/permits/vested water rights for the reasons listed.

Ron Duvall, Water Rights Program, noted that Division I is all of the area north of the Cheyenne River and Pennington County, Division II is all of the area south of the Cheyenne River and Pennington County, and Division III includes all of the east river area.

Number	Original Owner	Present Owner(s) and Other Persons Notified	Reason
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DIVISION I WATER RIGHT

RT 1245-1	Navarre Bachand Farms Inc.	Pat Daly, w/Broken Bridge Ranch LLC	Abandonment/Forfeiture
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DIVISION II WATER RIGHT & VESTED WATER RIGHTS

VR 599-2	Dept of Game, Fish & Parks	Hilary Morey, GFP Jarrod Johnson, SPL	Abandonment/Forfeiture
VR 680-2	Dept of Game, Fish & Parks	Hilary Morey, GFP Jarrod Johnson, SPL	Abandonment/Forfeiture
RT 737-2	Larry & Loren Swick	Betty Swick	Abandonment/Forfeiture
VR 2039-2	Hawthorne Ditch Company	Howard Rice, Pres, Hawthorne Ditch Co.; Keith Ham & Jerry Hammerquist	Abandonment

DIVISION III WATER PERMITS, WATER RIGHT & VESTED RIGHT

VR 829-3	Dept of Game, Fish & Parks	Hilary Morey, GFP Jarrod Johnson, SPL	Abandonment/Forfeiture
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RT 5970-3	William & Barry Juhnke	Barry Juhnke	Abandonment/Forfeiture
PE 6125-3	Wm & Barry Juhnke	Barry Juhnke	Abandonment/Forfeiture
PE 6806A-3	Bill & Barry Juhnke	Barry Juhnke	Abandonment/Forfeiture
PE 7699-3	David Huber	Same	Non-Construction
PE 7710-3	Argo Brothers	David Argo	Non-Construction
PE 7814-3	David Huber	Same	Non-Construction
PE 7849-3	John or Nancy Haefner	Same	Non-Construction
PE 7889-3	Todd Jongeling	Same	Non-Construction
PE 8037-3	Tyler Andersen	Same	Non-Construction
PE 8220-3	City of Pierre	Same (% Kristi Honeywell, City Administrator)	Non-Construction
PE 8276-3	Larry Bayer	Same	Abandonment
PE 8355-3	Eureka Redi Mix	Tom Mahlke w/Eureka Redi Mix and Kenny Jensen w/Jensen Rock & Sand	Abandonment
PE 8357-3	Jensen Rock & Sand Inc	Same (% Courtney Davis)	Abandonment

Motion by Freeman, seconded by Dixon, to accept the chief engineer’s recommendations for cancellation of the water rights, water permits, and vested water rights for the reasons listed. A roll call vote was taken, and the motion carried unanimously.

CONSIDER FINDINGS OF FACT, CONCLUSIONS OF LAW AND FINAL DECISION IN THE MATTER OF CANCELLATION OF WATER PERMIT NO. 7148-3, JASON FRERICHS:

Mr. McVey stated that this matter was heard by the board on March 2, 2022. The reason for the requested cancellation was failure to construct within the statutory deadlines. After hearing the matter, the board cancelled Water Permit No. 7148-3 for failure to construct and place water to beneficial use within the statutory deadlines.

Ms. Mines Bailey, on behalf of the Water Rights Program, submitted proposed Findings of Fact, Conclusions of Law and Final Decision.

Mr. McVey recommended the board accept the proposed Findings of Fact, Conclusions of Law and Final Decision.

Motion by Freeman, seconded by Larson, to accept the Findings of Fact, Conclusions of Law and Final Decision in the matter of cancellation of Water Permit No. 7148-3, Jason Frerichs. A roll call vote was taken, and the motion carried with Dixon, Freeman, Holzbauer, Larson, and Bjork voting aye. Comes abstained.

CONSIDER REMOVING QUALIFICATION REQUIRING USE OF A FLOW METER ON VESTED WATER RIGHT NOS. 1258A-1 AND 1258B-1, DOBESH RANCHES LLC: Mark Rath, Water Rights Program, reported that in 1981 there was a drought on the Belle Fourche River and the department had issued shut-off orders. At that time, it was found that Mr. Dobesh was irrigating, but there was no water permit on file. Based on staff investigation, Mr. Dobesh filed a vested water right claim for two different systems that were part of two ranches that he had purchased. They both had old priority dates of 1891 and 1920.

The Water Management Board approved Vested Water Right No. 1258-1 in 1982 following a contested case hearing. The recognized vested right was issued with the following qualification requiring metering of water use:

All pumping under this right shall be through water flow meters that indicate the gallons per minute flowing through the meter plus a totalizer. The beginning and end of season pumping figures are to be sent to the Water Rights Program.

In 1989, a Water Rights Program staff engineer performed an inspection and investigation for validation of this water right. At that time, Mr. Dobesh indicated the engineer stated that there was not a need for the metering because no other water right had metering requirements. The Water Management Board validated the water right in 1989 without removing the qualification. The validated water right document was issued without the metering qualification, so Mr. Dobesh thought the metering requirement had been removed.

In early July of 2021, shut-off orders were issued to Mr. Dobesh because the Belle Fourche Irrigation District had ordered water from Keyhole reservoir. Staff's information, based on the gaging station at the state line, was that there were no natural flows in the Belle Fourche River, so the only water coming down from the Belle Fourche River would have been purchased water. Mr. Dobesh contacted the Water Rights Program questioning the accuracy of the gage. Mr. Dobesh said before the Keyhole Reservoir ordered water got to him, there was actually flow going past his diversion point. Mr. Dobesh said he should not have been shut off on the senior priority date, which would have been 1891 and predated the Bureau of Reclamation's 1907 water right for the Belle Fourche Reservoir. To deal with this issue, the DANR has added a gaging station downstream of Belle Fourche Reservoir and the vested water right was split into two vested rights, the older priority date and the newer priority date to avoid future issues and only issuing shutoff orders to the vested right junior to the Belle Fourche Irrigation District. The qualification for metering, which was on the original document, was included in the reissued vested water rights. Mr. Dobesh then contacted the department and said he was concerned because he thought the metering requirement had been removed in the 1989 validation. Mr. Rath researched it, and he could not find that the board had ever taken a formal action to remove the metering qualification. Mr. Rath talked to the chief engineer, and it was decided that staff would take it to the board for formal action because none of the other rights have that requirement and staff does not see a need for the metering requirement. The requirement also puts a burden on Mr. Dobesh to maintain a meter.

The Water Rights Program recommended that the board remove the metering qualification from the two vested water rights.

Motion by Freeman, seconded by Dixon, to remove the flow meter qualification on Vested Water Right Nos. 1258A-1 and 1258B-1, Dobesh Ranches LLC. A roll call vote was taken, and the motion carried unanimously.

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.)

NEW WATER PERMIT APPLICATIONS: The pertinent qualifications attached to approved water permit applications throughout the hearings are listed below:

Well Interference Qualification

The well(s) approved under this permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.

Well Construction Rule Qualification No. 1

The well(s) authorized by Permit No. __ shall be constructed by a licensed well driller and construction shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) from the producing formation to the surface pursuant to Section 74:02:04:28.

Well Construction Rule Qualification No. 2

The well(s) authorized by Permit No. __ shall be constructed by a licensed well driller and construction shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.

Irrigation Water Use Questionnaire Qualification

This permit is approved subject to the irrigation water use questionnaire being submitted each year.

Low Flow Qualification

Low flows as needed for downstream domestic use, including livestock water and prior water rights must be by-passed.

CONSIDER APPLICANT'S REQUEST TO DENY WATER PERMIT APPLICATION NO. 8563-3, TIM WELLENSTEIN: Chairman Bjork turned the gavel over to Hearing Chairman Rodney Freeman.

Mark Rath reported that Mr. Wellenstein had applied for a water permit to irrigation from Turkey Ridge Creek. Staff reviewed the application, and the chief engineer issued a recommendation, which was public noticed. Following the public notice, the Water Rights Program received 13 petitions in opposition to the application. Mr. Wellenstein submitted a letter requesting that the board deny his application. Denial of the application will allow the department to return 75 percent of the application fee to Mr. Wellenstein.

After submitting the letter requesting that the board deny the application, Mr. Wellenstein applied for a groundwater permit, which has gone through the process and has recently been issued.

Motion by Larson, seconded by Holzbauer, to deny Water Permit Application No. 8563-3, Tim

Wellenstein. A roll call vote was taken, and the motion carried unanimously.

CONSIDER WATER PERMIT APPLICATION NO. 8579-3, BRETT GUTHMILLER: Ann Mines Baily stated that the chief engineer recommended deferral of this application. The applicant filed a petition opposing the chief engineer's recommendation, but the applicant did not appear at the meeting today.

Hearing Chairman Freeman stated that it would be appropriate for the department to explain its position for recommending deferral.

Ms. Mines Bailey offered Exhibit 1, the administrative record for Water Permit Application No. 8579-3, Brett Guthmiller. The record contains the application, the report and recommendation of the chief engineer, the petition in opposition, and the notices of publication.

Hearing Chairman Freeman admitted the exhibit into the record.

Ms. Mines Bailey called Whitney Kilts who had previously been administered the oath by the court reporter.

Ms. Kilts testified that she is an engineer with the Department of Agriculture and Natural Resources, Water Rights Program. Ms. Kilts prepared the technical review for the chief engineer on Water Permit Application No. 8579-3.

Water Permit Application No. 8579-3 proposes to appropriate water from the Niobrara aquifer for the irrigation of 32 acres at a diversion rate of 0.89 cubic feet per second (cfs) from one well. Both the proposed well and proposed acres for irrigation are located in Hutchison County approximately four miles southeast of Menno, SD.

Ms. Kilts pointed out typographical errors on page 1 and 12. Neither of the corrections affect the conclusions of the report. She presented her report to the board.

The Niobrara Formation underlies most of eastern and western South Dakota and is a mix of chalk, marl, and shale. Within that formation there are areas where the formation contains sufficient permeability and is saturated enough to act as an aquifer. In the southeastern part of the state there are several areas where glacial activity and erosion have separated portions of the Niobrara Formation from the main body of the formation. This is in one such portion.

When conducting the availability analysis, Ms. Kilts looked at just this portion of the Niobrara aquifer since it is separate from the main body. The approximate aerial extent of this portion of the formation is 340,550 acres. This portion of the aquifer is generally under confined conditions.

The Water Rights Program monitors 12 observation wells in this portion of the Niobrara aquifer. Ms. Kilts reviewed data from all 12 observation wells, and the hydrographs for all wells are included in her report.

Based on the observation well data, unappropriated water is available within this portion of the Niobrara aquifer. The data shows stable to increasing water levels throughout the aquifer over the period of record. The period of record for most of these observation wells begins in the 1980s and extends up to 2021, and within that period of record we see response to climatic conditions and some localized seasonal pumping from irrigation, but at the end of the irrigation season we see recovery of the water levels. Overall, the stable to increasing water levels, as well as the strong response to climatic conditions indicates that there is water available in the aquifer to meet the water use proposed by this application.

No studies have not been conducted to determine the amount of recharge to the Niobrara aquifer in South Dakota. A previous application report for this portion of the Niobrara estimated discharge from the western side of this portion of the Niobrara aquifer. Basically, when observation wells show that over the period of record there are generally stable water levels, natural discharge can be estimated from the aquifer to get an idea of what the magnitude of recharge is, so if water levels are stable, water coming out should at least equal water coming in. The estimated discharge on the western side of this portion of the aquifer was 9,837 acre-feet per year.

Ms. Kilts stated that there are currently 25 active water rights or water permits in this portion of the Niobrara aquifer that are withdrawing water. Six of those are for non-irrigation and the remainder are for irrigation. The estimated average annual withdrawal associated with those water permits/rights is 1,123 acre-feet per year. Ms. Kilts' conclusion is that unappropriated water is available in this portion of the Niobrara aquifer for at least the amount that was requested by the applicant.

Exhibit 3 is a map of the area showing the proposed diversion point for this application and also shows other information from the area such as water permits completed into this portion of the Niobrara and observation wells. Ms. Kilts testified that she created this map using resources commonly used by DANR staff.

Ms. Mines Bailey offered Exhibit 3. Hearing Chairman Freeman admitted the exhibit into the record.

The proposed point of diversion for this application is shown on the map by a yellow star with a call out box labeled 8579-3 toward the lower portion of the map. The red circles on the map show diversion points for other water rights/permits completed into this portion of the Niobrara aquifer. The blue circles show the location of Water Rights' observation wells monitoring this portion of the Niobrara aquifer. The orange circles show the location of two domestic wells for which Water Rights received a complaint of unlawful impairment in August 2021. The different colored areas on the map indicate the top-most bedrock present once the overlying glacial materials are penetrated.

Regarding the potential for unlawful impairment, Ms. Kilts stated that she looked at what the application proposed to appropriate, other water rights and permits in the area, where domestic wells in the area are located, how other observation wells in the aquifer respond to pumping, and she reviewed the history of complaints within this portion of the Niobrara aquifer.

Exhibit 4 is Water Rights Program file documentation and other documentation associated with a complaint that was received in August 2021 from Dale Mehlhaf regarding domestic wells completed into this portion of the Niobrara aquifer.

Ms. Mines Bailey offered Exhibit 4. Hearing Chairman Freeman admitted the exhibit into the record.

Ms. Kilts stated that Mr. Mehlhaf's complaint was his two domestic wells went dry due to irrigation in the area. Based on the well completion reports that the Water Rights has on file for those wells, Mr. Mehlhaf's wells were deemed to meet the definition of an adequate well. An adequate well is a well that is constructed or rehabilitated to allow various withdrawal methods to be used to allow the inlet to the pump to be placed not less than 20 feet into the saturated aquifer formation material when the well is constructed or to allow the pump to be placed as near to the bottom of aquifer as is practical if the aquifer thickness is less than 20 feet. Within the well construction standards, there is a definition of an adversely impacted domestic well. That definition is a well in which the pump intake was set at least 20 feet below the aquifer at the time of construction or if the aquifer is less than 20 feet thick as near to the bottom of the aquifer as is practical and the water level of the aquifer has declined to a level that the pump will no longer deliver sufficient water for the well owner's needs.

Ms. Kilts pointed out on Exhibit 3 the location of Mr. Mehlhaf's domestic wells, which are shown on the map by the two orange circles.

When the Water Rights Program received the complaint submitted by Mr. Mehlhaf, staff began to review available information to see if a determination could be made as to whether unlawful impairment was occurring. Based on the preliminary review of the information, there was some indication that there may be potential for impairment; however, there is no observation well in the area of the two domestic wells, so information was somewhat limited. The chief engineer reached out to the irrigation permit holders in the southwest, who agreed to a voluntary shut-down of irrigation for one week to see whether there was any impact on Mr. Mehlhaf's domestic wells. The following water permits voluntarily ceased pumping for one week: 6708-3, 7478-3, and 7617-3. Ms. Kilts stated that the Water Rights Program intended to ask No. 7683-3 to shut down for a week, but there may have been a miscommunication, so they did not shut down.

Ms. Kilts stated that the Water Rights Program asked the irrigation permit holders to the southwest of Mr. Mehlhaf's wells to shut down but not the irrigation permits to the north because, at the time, there were items in the underlying geology as well as the distance and direction of water flow that indicated that even if unlawful impairment was occurring, the irrigation rights to the southwest would be the most likely to be the cause. After cessation of pumping for approximately one week, the Water Rights staff checked in the domestic well owner who indicated that he saw improvement in at least one of the wells. Staff continued to follow up the domestic well owner on a weekly basis for several weeks and continued to see improvement. It was also noted in one of the further follow-ups that there was improvement seen after the irrigation wells to the north were shut down, so they were also added at that point to the complaint. This started toward the middle of August 2021 and actions and follow-up with Water

Rights extended into September.

Based on the information that was available, it indicated that further investigation was needed. The further action was to coordinate with the South Dakota Geological Survey to install additional observation wells in the area in order to get a better picture of what was going on,. Secondly, to get all of the water permits that are due for licensing inspection inspected and licensed so the Water Rights Program knows what has been developed there. The Water Rights Program is currently planning on installing three additional observation wells in the area. At this time, installation of the observation wells is planned for May or early June of 2022. One observation well is planned to be located between the two domestic wells associated with the complaint and the irrigation wells to the southwest, and two observation wells are planned to be located between the two domestic wells associated with the complaint and the irrigation wells to the north.

Exhibit 5 is a map showing the location of cross-sections that were done as part of the water resources of Hutchinson and Turner counties study as well as two cross-sections that are associated with that location. The exhibit also includes the approximate boundary of this portion of the Niobrara aquifer, the diversion point for the application in question, the location of the complaint wells, and the other water rights/permits in the area. On the two cross-sections, emphasis was added on where this specific portion of the Niobrara is on those cross-sections.

Ms. Mines Bailey offered Exhibit 5. Hearing Chairman Freeman admitted the exhibit into the record.

Ms. Kilts pointed out on the first page of the exhibit where the cross-sections on the second and third page are located. These cross-sections are important because the cross-sections give us a picture of what the underlying geology of the formation looks like in the area in terms of how the formation was deposited then later eroded by glacial activity. The information about the underlying geology shows that the top of the Niobrara formation in this area has a dome-type shape where toward the middle of this portion the top of the formation is much higher in elevation than the formation that is closer to the edges. In the area where these domestic wells associated with the complaint are, the top of the Niobrara is at a higher elevation than what it is where the irrigation wells are located.

At the domestic well locations, the well completion reports associated with those wells at the time of completion indicated three and six feet of artesian head pressure. With that little of artesian head pressure if pumping from the irrigation wells extends out to that point, very quickly they go through that artesian head pressure and switch to being unconfined, so the water level starts to drop below the top of the aquifer. Based on the well completion reports for the irrigation wells to the southwest, the artesian head pressure ranged from 20 to 49 feet.

Ms. Mines Bailey asked what this means to Ms. Kilts when she does the review for the potential of unlawful impairment should this application be granted at this time. Ms. Kilts stated that this is something that could be happening and would explain why we're seeing what we're seeing associated with the complaint. Basically, what could be happening is as these irrigation wells turn on and pump, drawdown associated with them could be extending throughout the aquifer

and, with the shape of the aquifer where those domestic wells are at a much higher elevation than the irrigation wells, those domestic wells could potentially be seeing an impact much sooner than the wells that are at a lower elevation.

Ms. Kilts stated that based on the information the Water Rights Program currently has, she cannot say with reasonable probability that that unlawful impairment will not occur should this application be granted.

Mr. Larson asked if the deferral could be shorter than two years. Ms. Kilts answered that it will depend on what we see once the new observation wells are installed and the Water Rights Program starts monitoring the water levels to see what happens when the irrigators start pumping. It could take longer than two years or it could be shorter; it will depend on what happens once data is available.

Motion by Comes, seconded by Larson, to defer Water Permit Application No. 8579-3, Brett Guthmiller, for up to two years. A roll call vote was taken, and the motion carried unanimously.

Ms. Mines Bailey, on behalf of the Water Rights Program, waived Findings of Fact and Conclusions of Law.

CONSIDER CHIEF ENGINEER'S MOTION TO DISMISS ROBERT ROEBER PETITION TO ESTABLISH ORDINARY HIGH WATER MARK ON COTTONWOOD LAKE IN SPINK COUNTY: Ms. Mines Bailey stated that in reviewing the statutes and pertinent caselaw, it became clear that the Water Management Board's authority regarding setting an ordinary high water mark extends to meandered bodies of water and not to nonmeandered bodies of water.

The petition submitted by Mr. Roeber is a request to set the ordinary high water mark for Cottonwood Lake in Spink County. Cottonwood Lake is considered a Section 8 lake under the nonmeandered water law, so it is currently open to the public. However, in reviewing SDCL 43-17-21, which authorizes the board to set ordinary high water marks, and SDCL 43-17-28, which provides the method by which someone can petition the board for an ordinary high water mark, it becomes clear that public water is defined as a meandered water, because the purpose of setting an ordinary high water mark or an ordinary low water mark is to determine public use access rights.

Most often in the case of a meandered body of water, it is the state that owns the bed of the water body, and the riparian landowner owns to the ordinary low water mark, but it is subject to an easement for the public use between the ordinary high water mark and the ordinary low water mark. The purpose of setting the ordinary high and ordinary low water marks is to determine where that public easement is. In a nonmeandered body of water, the lakebed is privately owned for the most part. In this instance, the state owns certain small parcels of Cottonwood Lake; however, the majority of Cottonwood Lake was open for public settlement, and the vast majority of it is owned by private individuals. In this case, there is no public easement between the ordinary high and ordinary low water marks. The use of those lands and that water is governed by a specific chapter in South Dakota law.

Ms. Mines Bailey stated that after reviewing SDCL 43-17-28, it became clear to her that the board's authority extends to meandered bodies of water and not nonmeandered bodies of water. In SDCL 43-17-28, which is the means by which one can petition the board, if you define public lake as a meandered body of water, Mr. Roeber would not be the proper person to come before the Water Management Board to make this request because Cottonwood Lake is a nonmeandered body of water. Moreover, the rules that the Water Management Board has promulgated setting out what a petition for an ordinary high water mark should contain does have certain requirements. This particular petition is merely one sentence requesting an ordinary high water mark, and the petition is signed, but it fails to provide authority or the reasons for the requested action.

At one point in time, the only way the Water Management Board or its predecessor would entertain a motion for an ordinary high water mark is if it was demonstrated to be in the public interest. If the board were to entertain that type of an argument, then South Dakota law has already governed the public use of Cottonwood Lake. It is specifically mentioned in the nonmeandered waters chapter of South Dakota law, and a determination of an ordinary high water mark in this instance would not be of great value; therefore, not in the public interest.

Ms. Mines Bailey asked the board to dismiss this petition for a lack of jurisdiction.

Robert Roeber was administered the oath by the court reporter.

Mr. Roeber requested that he be allowed to distribute copies of exhibits. Ms. Mines Bailey stated that she objected to the exhibits because this is not an evidentiary hearing; it is a hearing on the Water Management Board's jurisdiction; just the motion to dismiss, which is a question of law. Ms. Mines Bailey said she does not believe evidence is necessary, and she has not seen the exhibits.

Hearing Chairman Freeman agreed with Ms. Mines Bailey and the board's counsel that this is not the type of hearing where the board accepts any evidence. The question on dismissing the petition is simply a matter of law before the board, so at this time accepting exhibits would be inappropriate.

Mr. Roeber stated he is asking for a reasonable accommodation to present the exhibits. He said the issue is that the department came out in 2002 and gave a range for a high water mark from 1318 to 1314. The lake association needs to know the high water mark for shoreline stabilization and how high the septic tanks are set, and the lots. This is also needed for some of their Section 319 applications for the Clean Water Act. Mr. Roeber said he is asking for a reasonable accommodation here. The exhibits include pictures from 2004 when Lynn Beck with the Water Rights Program conducted a site visit. In 2011 the lake association applied for a Section 319 grant. Mr. Roeber said he has some damage on his shoreline for which he submitted an application in May. It has been a year since he submitted the petition. It went to the Attorney General's Office, the Secretary of State's Office and the Department of Agriculture and Natural Resources' office. Mr. Roeber said he is trying to offer an explanation on why an ordinary high water mark is needed at Cottonwood Lake. The Cottonwood Lake Association is in a debate at this time to raise the level of the lake for fishing, etc. and a high water mark needs to be

established so the association knows what the elevation is. The properties and septic systems need to be in compliance with the Clean Water Act, and some people would like to establish camping spots. The flood plain maps have changed twice in the last 10 to 15 years, and the association needs to establish the high water mark so it knows where to build. The association is also going through the James River Water Development District to get a 401 and 405 Permits, and the application asks for how much fill to put below or above the high water mark. Mr. Roeber said the water board had people at the lake in 2002, but now there are barriers to what can be done. The association has been waiting for years, and every day they are waiting Mr. Roeber can't do his shoreline repair work from the damage. He said regarding the James River, Rocky Knippling is applying for a Section 319 grant and the James River will also need a high water mark established.

Mr. Roeber said the association could hire an engineer to set the high water mark, but technically it should come through the Water Management Board.

Hearing Chairman Freeman said Mr. Roeber is welcome to leave the information with the Water Rights Program.

Ms. Mines Bailey stated based on the interpretation of South Dakota Supreme Court of the pertinent statutes, a public lake is properly defined as a meandered body of water. If the Water Management Board agrees, that would mean the board has been divested of jurisdiction to set an ordinary high water mark on a nonmeandered body of water.

In response to questions from board members, Ms. Mines Bailey stated that without having reviewed the specifics of the Clean Water Act or any of the Section 319 grant applications that Mr. Roeber referred to, she believes that a private landowner in this situation would be able to make those decisions without the determination of an ordinary high water mark. She does not believe the board has the authority for the reasons set out in her brief. Perhaps something could be done by the legislature to provide such authority to some board or entity. At the time of surveying the lake in the 1800's, the belief was that this lake would dry up or be drained. Ms. Mines Bailey said she believes that there is no authority for the Water Management Board to set an ordinary high water mark on this lake and she does not believe that it would be in anyone's interest to set an ordinary high water mark. Ms. Mines Bailey said she believes that the landowners around the lake are free to do with their land what they so please within the confines of the law. Ms. Mines Bailey said she has not looked at the nonmeandered statutes specifically with that question in mind, but she does not believe there is anything there that would prohibit them taking some action with their land. For drainage they may run into a federal issue with the Corps of Engineers if it's considered a wetland or some sort of wetland mitigation requirement, but she believes they are free to use their land in whatever way the other aspects of the law permit.

Mr. Roeber said the Corps of Engineers requires 401 and 404 Permits for any digging in the water. In order to complete an application for those permits, he needs to know how much fill he is going to put below the high water mark, so it mitigates with what he is going remove. With the flooding in 1997, there were so many people applying for permits that the Corps of Engineers allowed people to get permits. Stephanie Herseth had a water forum and the head of the Corps

of Engineers from the Omaha District spoke. At that time, permits were required and then that aspect was waived because of the number of permit applications being submitted due to the erosion damage to the shorelines and the sediment going into the lake. Mr. Roeber said the lake association is trying to lower the sediment going into the lake, but every day that nothing is done and the wind is blowing, it is eroding more land into the lake.

Mr. Roeber said he has sent information to an environmental attorney from Chicago. The lake association is looking for pro bono representation. He has also sent information to some senators, and he has filed an issue with the Eighth Circuit Court on this because of a 1997 Supreme Court ruling on property rights.

Motion by Larson, seconded by Comes, to grant the motion to dismiss the petition for the establishment of an ordinary high water mark on Cottonwood Lake in Spink County for lack of jurisdiction. A roll call vote was taken, and the motion carried unanimously.

Ms. Mines Bailey will prepare an Order consistent with the board's ruling on the motion to dismiss the petition.

CONSIDER APPLICATION NO. 2840-2, RAPID VALLEY SANITARY DISTRICT – WATER SERVICE, TO RESERVE WATER FOR FUTURE USE: Hearing Chairman Freeman requested appearances.

Ann Mines Bailey, Assistant Attorney General, appeared on behalf of the chief engineer.

Talbot Wiecek, attorney from Rapid City, appeared on behalf of Rapid Valley Sanitary District.

Ms. Mines Bailey offered Exhibit 1, the administrative file which includes the application, the report and chief engineer's recommendation, and the petition bringing this matter to a contested case. Hearing Chairman Freeman admitted the exhibit into the record.

Ms. Mines Bailey called Mark Rath who had been administered the oath earlier in the meeting.

Mr. Rath testified that he is an engineer with the DANR Water Rights Program. He has worked for the department for 32 years. He is the lead surface water engineer responsible for water rights issues with lakes and streams.

Mr. Rath did the technical review for Future Use Permit Application No. 2840-2, and he prepared a report on the application.

Future Use Permit Application No. 2840-2 proposes to reserve for a future use water permit to appropriate 6,050 acre-feet of water (ac-ft) annually from the Missouri River. The Missouri River diversion would be located on the Oahe reservoir reach between the Cheyenne River confluence and Oahe dam in Haakon and Stanley counties, respectively.

SDCL 46-2A-10 and 46-5-38.1 set out the criteria and conditions under which a future use

permit may be approved and ARSD 74:02:01:24.01 defines the limits the Water Management Board may place on a future use permit. SDCL 46-2A-10 allows a future use permit to be approved only if 1) there is reasonable probability unappropriated water is available for appropriation; 2) the quantity of water reserved will be needed by the entity; 3) the proposed use will be a beneficial use; and 4) the proposed use is in the public interest. Mr. Rath's report addresses the first two criteria.

In reviewing the application, Mr. Rath used a study that the US Geological Survey performed years ago on the what the natural flow of the Missouri River would be in the reach of the Oahe Reservoir.

At the time Mr. Rath wrote the report, there were 256 existing water rights/permits appropriating water from the natural flows of the Missouri River in South Dakota with a total authorized appropriation of 1270.36 cubic feet of water (cfs). There are 16 existing future use permits reserving 1,392,111 acre-feet annually from the Missouri River. Based on the information available and the amount requested, there would be sufficient water available for this future use permit, as requested.

The Rapid Valley Sanitary District reports their annual use to the Water Rights Program. In 2021, the sanitary district reported using 804 acre-feet of water. Mr. Rath testified that, based on his analysis, there would be sufficient water for the requested amount from the Missouri River. Mr. Rath did not conduct a review of the proposed beneficial use or public interest.

Responding to questions from Mr. Wiczorek, Mr. Rath stated that he reviewed the information provided by Rapid Valley Sanitary District's engineer, which was that the sanitary district would need 6,050 acre-feet of water annually in the future. Mr. Rath determined that water is available for that amount. Mr. Rath stated that the consultant demonstrated a need for the amount of water requested and that domestic use is a beneficial use..

In response to a question from Chairman Bjork, Mr. Rath stated that there are a couple of other future use permits for the use of Missouri River water in the Rapid City area.

Ms. Mines Bailey called Eric Gronlund, who had previously been administered the oath.

Mr. Gronlund testified that he is the chief engineer for the Water Rights Program. One of his responsibilities is to make recommendations on water permit applications and future use water permit applications.

Mr. Gronlund reviewed the technical report for this application, and he issued the recommendation for approval of Future Use Permit Application No. 2840-2 for reservation of 1,608 acre-feet of water annually from the Missouri River for Rapid Valley Sanitary District with the following qualifications:

1. Future Use Permit No. 2840-2 reserves 1,608 acre-feet of water annually from the Missouri River.
2. That Future Use Permit No. 2840-2 is approved with the stipulation that this Permit is

subject to review by the Water Management Board as to accomplishment in developing reserved water upon expiration of seven (7) years. This Permit shall be subject to cancellation if the Water Management Board determines during the review that the holder cannot demonstrate a reasonable need for the Permit.

3. At such time as definite plans are made to construct works and put the water reserved by this permit to beneficial use, specific application for all or any part of the reserved water must be submitted prior to construction of facilities pursuant to SDCL 46-5-38.1.

Mr. Gronlund stated that ARSD 74:02:01:24.01 limits future use permits to the amount of water needed to cover the uses specified in the future use application or future use permit. The Water Management Board may, at its discretion, limit future use permits to two times the annual amount actually put to beneficial use by the entity. Mr. Gronlund said he relied on the Rapid Valley Sanitary District's reported water use of 804 acre-feet of water.

Regarding Chairman Bjork's earlier question regarding Rapid City area future use permits from the Missouri River, Mr. Gronlund stated that the West Dakota Water Development District has a future use permit for 10,000 acre-feet of water from the Missouri River and the city of Rapid City has a future use permit for 28,800 acre-feet of water from the Missouri River.

Responding to questions from Mr. Wiczorek, Mr. Gronlund stated that he felt obligated to use the board's rule in making his recommendation, but the rule does state that the board may, at its discretion, limit future use permits to two times the annual amount put to beneficial use. Mr. Gronlund said he agrees that there is sufficient water for the amount requested and he does not dispute anything Mr. Rath testified to. Mr. Gronlund said SDCL 46-5-38 lists the entities that are allowed to hold a future use permit. The statute states that these entities may reserve water for contemplated future needs upon a showing of availability of unappropriated water and future need. Mr. Gronlund stated that the board has more flexibility than he felt he had when he issued the recommendation. He noted that the board is not bound by his recommendation.

Mr. Wiczorek called Rusty Schmidt, who was administered the oath by the court reporter.

Mr. Schmidt testified that he is the general manager for the Rapid Valley Sanitary District. The sanitary district is located on the eastern boundary of Rapid City.

Exhibit 2 is a map showing the boundaries of the Rapid Valley Sanitary District, the newly annexed area, and the Green Valley Sanitary District, which is served by Rapid Valley Sanitary District. Hearing Chairman Freeman admitted the exhibit into the record.

Mr. Schmidt stated that the Box Elder city limits are on the northern boundary of the sanitary district and Rapid City is on the western boundary of the sanitary district. The Rapid Valley Sanitary District was incorporated in 1966, the Rapid Valley Water Company was incorporated in 1962, and the two merged in 1994. The sanitary district provides potable water services for domestic use and wastewater collection services. From the beginning of 2021 to now, there has been a six percent growth in the sanitary district. Several multi-family units are being built at this time.

The newly annexed area is for a new housing development. For the first phase of development, the developer is planning to build 452 single family unit homes. The first phase covers approximately a quarter of the newly annexed property. The developer's plans more homes in the future. Mr. Schmidt said he does not see the growth impact slowing any time soon.

Mr. Schmidt said there has been a push for regionalization in the area, and in order to assist with the regionalization the sanitary district will need more source water. The sanitary district recently received a \$5.3 million American Rescue Plan Act (ARPA) grant from Pennington County for the purpose of regionalization and assisting other entities in the area.

Mr. Schmidt stated in 2012 the Rapid Valley Sanitary District started providing potable water for Green Valley Sanitary District. The Rapid Valley Sanitary District also manages and operates the Green Valley Sanitary District. There is growth in that area as well. Mr. Schmidt expects that the Rapid Valley Sanitary District boundaries will expand with growth in the future. The future use request of 6,050 acre-feet of water annually was for growth in the current district boundaries.

The wastewater reclamation facilities plan was completed at the beginning of 2021. Since that time, the actual population is well over 10,000. DANR has moved the sanitary district to over 10,000 for testing requirements. The projected future growth of 36,000 by 2042 is driven by the current growth factor that is being seen and the multi-family units, which adds considerably more water per capita.

The Ellsworth Air Force Base is located north of the sanitary district. With the sanitary district's willingness to assist other entities outside the district, the air base will have a direct impact on the usage as well as the development of homes within the district boundaries. The air base is projected to bring 5,000 people to the area.

Mr. Schmidt said the primary use in the district is domestic. There are also commercial uses and potential industrial uses.

Responding to questions from Ms. Mines Bailey, Mr. Schmidt testified that the 6,050 acre-feet of water annual projection does not include the current 804 acre-feet annual usage. Currently, the per capita usage is averaged at 100 gallons per person, but the district is estimating a need of 150 gallons per person. There is a range between 80 gallons to 200 gallons, depending on the area and the growth. At the rate of growth at this time, the district is anticipating an increase of four times the population the district currently has. The requested 6,050 acre-feet annually is for the full buildout of the current district boundaries.

In response to a question from Chairman Bjork regarding working with the two other entities that hold future use permits for the Missouri River, Mr. Schmidt stated that the sanitary district is proactive on the regionalization and having meetings with the other entities in the area. It is key that all of the entities work together and utilize all of their sources. With the growth that Rapid Valley Sanitary District is seeing, it is vital that future use permits are granted, as requested, and also work together with all of the other entities.

Responding to a question from Mr. Wieczorek, Mr. Schmidt explained how the sanitary district and the city of Rapid City have worked together to maximize the facilities. The district has over 1,000 single family resident in the district boundaries that are actually within the municipality of Rapid City. On the wastewater side, the district provides all the collection, the lift stations, etc. and sends all of its sanitary sewer to the Rapid City Reclamation Facility. The district is a member of the Western Dakota Regional Water System, which is the organization that was established to try to build a pipeline from the Missouri River to Rapid City.

Mr. Wieczorek called Dustin Dale who was administered the oath by the court reporter. Mr. Dale testified that he is the consulting engineer for Rapid Valley Sanitary District. He is the operations manager for AE2S, which is an engineering consultant firm specializing in water. AE2S prepared the facilities plan in May 2021. The report was based off of the 2020 census data, which were the numbers from 2010 through 2019. At that time the population was 9,114 and showed a 1.2 percent growth annually from 2010 to 2019. In the facilities plan, some future growth was recognized using a growth factor of 1.5 percent. During the past two years, throughout the region, and South Dakota as a whole, has seen a lot of growth, specifically in the Black Hills. Multiple growth projections were used based on density. Mr. Dale said he believes the population projection of 12,275 individuals in 2041 will be reached sooner. Ultimate future growth projection with the annexed property is that the district will be serving 36,000 individuals. In 2022, the development growth has not slowed down.

Responding to question from the board, Mr. Dale stated that there is more developable land east of Rapid Valley than west toward the Hills.

Hearing Chairman Freeman stated that the issue before the board is whether the future use reservation should be for 6,050 acre-feet or 1,608 acre-feet. The statute says the board can exercise its discretion. He requested board action.

Motion by Bjork, seconded by Dixon, to approve Future Use Water Permit Application No. 2840-2, Rapid Valley Sanitary District for reservation of 6,050 acre-feet annually with the qualifications set forth by the chief engineer.

Ms. Dixon stated that she believes 1,608 acre-feet is not enough water to reserve.

Hearing Chairman Freeman said he agreed with Ms. Dixon, and he believes the population projections are correct and more water will be needed. He said he understands the basis for the chief engineer's recommendation, but the board does not have any evidence to show that an amount less than the 6,050 acre-feet will be needed.

Chairman Bjork noted that he agrees with Hearing Chairman Freeman.

Mr. Holzbauer stated that 1,608 acre-feet annually is enough water.

Chairman Bjork said he has been watching what's happening in the area during the five years he has lived in Rapid City; the growth in the area is exponential.

A roll call vote was taken, and the motion carried unanimously.

Ms. Mines Bailey, on the Water Rights Program, waived Findings of Fact and Conclusion of Law. Mr. Wieczorek, on behalf of Rapid Valley Sanitary District agreed.

CONSIDER WATER PERMIT APPLICATION NO 2836-2, LISA O'ROURKE-FULTON:

Ms. Mines Bailey stated that the Water Rights Program received a letter from the Rosebud Sioux Tribe, the only petitioner in this matter, withdrawing their petition in opposition.

Ms. Mines Bailey said she believes if the Water Management Board were to accept the tribe's withdrawal of the petition that there would be no contested case and no need to present evidence, and the chief can issue the permit.

Hearing Chairman Freeman stated that since the petition in opposition has been withdrawn, the board can accept that and move forward without a contested case.

Motion by Bjork, seconded by Holzbauer, to accept the withdrawal of the petition in opposition. A roll call vote was taken, and the motion carried unanimously.

Hearing Chairman Freeman stated that since the application is now uncontested, the board does not need to take any more action, and the application can be handled by the Water Rights Program.

Ms. O'Rourke-Fulton stated that she had visited with the tribe, and the tribe decided to withdraw their petition in opposition to the application.

ADJOURN: Motion by Holzbauer, seconded by Bjork, to adjourn the meeting. A roll call vote was taken, and the motion carried unanimously.

A court reporter was present for the hearing and a transcript of the proceedings may be obtained by contacting Stephanie Moen & Associates, PO Box 684, Mitchell, SD; stephanie.moen@mitchelltelecom.net; phone number (605) 995-8102.

An audio recording of the meeting is available on the Boards and Commissions Portal at <https://boardsandcommissions.sd.gov/Meetings.aspx?BoardID=106>.

Approved July 6, 2022.

ATTENDANCE SHEET
WATER MANAGEMENT BOARD

Date May 4, 2022

NAME (PLEASE PRINT)

MAILING ADDRESS

CITY, STATE & ZIP

ITEM OF INTEREST

Robert J Roche

4308 E 5th Ave

Rodfield SD 57009

Water projects
ASOs Meander
waters
Legis oversight

Mary Davall

Pierre

Rapid City I.O. Box 8045

Rapid 57709

ANR

Tobias Wiczorek

Rusty Schmidt

Rapid City 4611 TEAK DR 57103

RC SD 57703

DANR

Dustin Daxe

1566 Calcaress DR

RC SD 57103

DNR

WATER MANAGEMENT BOARD MEETING

May 4, 2022

Qualifications:
 wi - well interference
 wcr -well construction rules
 iq - irrigation questionnaire
 lf - low flow

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

No.	Name	Address	County	Amount	Use	Source	Qualifications
2010-1	Philip S Jerde	Reva	PK	81.7 AF	rec, fwp, livestock	runoff	lf, 1 special
2012-1	Jesse Horstmann	Spearfish	LA	0.05 cfs	43.5 acres	1 well-Madison Aquifer	wi, wcr, iq, 2 special
2014-1	Whitetail Creek Resort	Lead	LA	0.05 cfs	commercial	1 well-Crystalline Rock	wi, wcr, 2 special
2015-1	Two Bit Ranch Estates Homeowners Association Inc	Deadwood	LA	0.10 cfs	wds	1 well-Deadwood Aquifer	wi, 2 special
2837-2	Oglala Lakota County School	Batesland	OL	0.67 cfs	inst & wds	1 well-Arikaree Aquifer	wi, 2 special
2838-2	SD Game, Fish & Parks	Custer	CU	0.09 cfs	recreation	1 well-Minnelusa Aquifer	wi, 2 special
2839-2	Platte Httm Brth Inc	Platte	BT	4.00 cfs	280 acres	2 wells-Arikaree Aquifer	wi, wcr, iq
2843-2	Simon Contractors of SD	Rapid City	PE	7.13 cfs	ind & com	runoff & aggregate pit	2 special
2844-2	City of Box Elder	Box Elder	PE	2,100 AF	future use	Missouri River	3 special
8000A-3	Earl or Dwight Althoff	Waubay	DA	1.22 cfs	75 acres	1 well-Coteau Lakes Aquifer	wi, iq, 1 special
8570-3	Windy Ridge Httm Brth Inc	Garden City	CK	0.11 cfs	commercial	1 well-Altamont Aquifer	wi, 4 special
8574-3	Ivan Jelsma	Springfield	BH	1.33 cfs	135 acres	1 well-Niobrara Aquifer	wi, iq
8575-3	Ernest R Namminga	Springfield	BH	1.78 cfs	124 acres	1 well-Choteau-West Aquifer	wi, iq
8576-3	BLT Family Limited Ptrs	Warner	HU	2.0 cfs	134 acres	1 well-Gray Goose Aquifer	wi, wcr, iq
8577-3	BLT Family Limited Ptrs	Warner	HU	2.0 cfs	134 acres	1 well-Gray Goose Aquifer	wi, wcr, iq
8578-3	BLT Family Limited Ptrs	Warner	HU	5.74 cfs	402 acres	1 well-Gray Goose Aquifer	wi, wcr, iq
8581-3	Andrew Russo	Watertown	CD	0.10 cfs	10 acres	1 well-Prairie Coteau Aquifer	wi, wcr, iq
8582-3	Nick Endres	Watertown	CD	2.0 cfs	153 acres	1 well-Prairie Coteau Aquifer	wi, iq
8583-3	Leesman Ranch	Blunt	SU	6.67 cfs	680 acres	2 dugouts & 10 wells- Highmore:Blunt Aquifer	wi, wcr, iq
8584-3	Shawn Vannorsdel	Viborg	TU	2.22 cfs	156 acres	1 well-Upper Vermillion Miss:West	wi, wcr, iq
8585-3	Allen Vannorsdel	Viborg	TU	2.22 cfs	156 acres	1 well-Upper Vermillion Miss:West	wi, wcr, iq
8686-3	Bret Flihs	Groton	BN	1.33 cfs	140 acres	20 wells-Silt Lake Aquifer	wi, wcr, iq, 1 special
8588-3	T & D Farms	Centerville	LN	1.78 cfs	160 acres	1 well-Upper Vermillion Miss:South	wi, wcr, iq
8589-3	John Lindstrom	Beresford	CL	no add'l	50 acres	1 well-Lower Vermillion Miss	wi, iq
8590-3	Benjamin A & Helen M Zoss Family Trust	Forestburg	SA	2.28 cfs	160 acres	3 wells-Warren:West James	wi, wcr, iq
8591-3	D Olson & Sons LLC	Meckling	CL	1.56 cfs	80 acres	1 well-Missouri Elk Point	wi, wcr, iq, 1 special
8592-3	Dakota Trails Golf Course	Corsica	DG	0.08 cfs	2.1 acres	1 well-Codell Aquifer	wi, wcr, iq, 1 special

8593-3	Chad Dylla	DeSmet	KG	1.34 cfs	80 acres	1 well-Vermillion East Fork	wi, wcr, iq, 1 special
8594-3	Merlin Vannorsdel	Viborg	TU	2.22 cfs	156 acres	1 well-Upper Vermillion Miss:West	wi, wcr, iq
8595-3	Kirk Sorensen	Vermillion	CL	1.33 cfs	80 acres	1 well-Missouri Elk Point	wi, wcr, iq, 1 special
8596-3	Kingfisher Enterprises	Brookings	BG	0.20 cfs	commercial	1 well-Howard Aquifer	wi, 2 special
8598-3	Tim Wellenstein	Centerville	TU	1.78 cfs	126 acres	1 well-Upper Vermillion Miss:South	wi, wcr, iq
8599-3	Farron & Michelle Pratt	Vermillion	CL	0.17 cfs	17.5 acres	1 well-Upper Vermillion Miss:South	wi, iq, 1 special
8600-3	John A Swanson	Pukwana	BL	1.44 cfs	60 acres	Red Lake	iq, 3 special
8601-3	Gary & Dianne Foster	Bruce	BG	no add'l	50 acres	1 well-Big Sioux:Brookings	wi, iq
8602-3	Gary & Dianne Foster	Bruce	BG	no add'l	3.4 acres	1 well-Big Sioux:Brookings	wi, iq, 1 special
8603-3	Mark McCloud	Highmore	HY	1.78 cfs	320 acres	1 well-Tulare:Hyde Aquifer	wi, wcr, iq
8604-3	Lenny Peterson	Hitchcock	SP	2.29 cfs	160 acres	James River	iq, 3 special
8606-3	Mark Girard	Vermillion	CL	2.0 cfs	160 acres	1 well-Lower James Missouri	wi, wcr, iq

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