DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

September 10, 2015

NOTICE OF HEARING

TO: Jeffrey R Connolly, Counsel for United Order of South Dakota
Gunderson, Palmer, Nelson & Ashmore
PO Box 8045
Rapid City SD 57709

Parties of Record (see attached list)

FROM: Jeanne Goodman, Chief Engineer
Water Rights Program

SUBJECT: Notice Scheduling Hearing and Revised Recommendation in the matter of Water Permit Application No. 2730-2, United Order of South Dakota

The Water Management Board conducted the evidentiary hearing in the matter of Water Permit Application No. 2730-2 on July 9, 2015. At the conclusion of the testimony, the Board passed a motion to reopen the evidentiary portion of the proceeding and to continue the proceeding until the next regularly scheduled meeting of the Board to be October 14th in order to permit applicant to provide additional evidence concerning the need for the water requested from the well, Application No. 2730-2.

The Water Management Board will reconvene the hearing on Application No. 2730-2 at 9:30 AM (Central Time) on Wednesday, October 14, 2015, Pierre Chamber of Commerce, 800 West Dakota Avenue, Pierre SD. This hearing is for the narrow scope of United Order of South Dakota providing additional evidence regarding their need for the water requested. The agenda time is an estimate. Future notice will be provided to all parties if there is a change to the hearing time or date.

The Chief Engineer has revised the recommendation for Application No. 2730-2 to reflect amendments adopted by the Board at the July 9, 2015 meeting. Enclosed is the revised recommendation dated August 25, 2015.

Questions regarding the hearing process may be directed to Ann Mines-Bailey, Assistant Attorney General at (605) 773-3215.

Enclosure

c: Ann Mines-Bailey, Assistant Attorney General

PARTIES OF RECORD LIST FOR WATER PERMIT 2730-2, United Order of South Dakota

APPLICANT:

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REVISED RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT APPLICATION NO. 2730-2, United Order of South Dakota

Pursuant to SDCL 46-2A-2, the following is the revised recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Water Permit Application No. 2730-2, United Order of South Dakota, c/o Seth Jeffs, 11571 Farmer Rd, Pringle SD 57773.

The Chief Engineer is recommending APPROVAL of Application No. 2730-2 with a 20 year term pursuant to SDCL 46-1-14 and 46-2A-20 because 1) evidence is not available to justify issuing this permit without a 20 year term limitation, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use, and 4) it is in the public interest with the following qualifications:

1. In accordance with SDCL 46-1-14 and 46-2A-20, Permit No. 2730-2 is issued for a twenty year term. Pursuant to SDCL 46-2A-21, the twenty year term may be deleted at any time during the twenty year period or following its expiration. If the twenty year term is not deleted at the end of the term, the permit may either be cancelled or amended with a new term limitation of up to twenty years. Permit No. 2730-2 may also be cancelled for non-construction, forfeiture, abandonment or three permit violations pursuant to SDCL 46-1-12, 46-5-37.1 and ARSD 74:02:01:37.

2. The wells approved under Permit Nos. 2610-2 and 2730-2 will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under these Permits 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.

3. The new well authorized by Permit No. 2730-2 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.

4. Water Permit Nos. 2610-2 and 2730-2, combined, are limited to an annual volume of 60 acre feet of water at a maximum diversion rate of 0.446 cubic feet of water per second.

5. A water meter shall be installed and maintained at the well sites authorized by Water Permit Nos. 2610-2 and 2730-2. The Water Permit Holder shall report to the Chief Engineer annually the amount of water withdrawn from the Madison aquifer. The report shall be a total volume submitted each January and provide a month by month breakdown of water withdrawn for the previous calendar year for each well. Site visits by Department of Environment and Natural Resources staff will be permitted at any time to verify any of the permit qualifications.

(continued)

6. Failure to comply with any of these qualifications may result in cancellation proceedings before this Board.

See report on application for additional information.

Jeanne Goodman, Chief Engineer
August 25, 2015

NOTE: This revised recommendation reflects the amendments adopted by the Water Management Board on July 9, 2015 to the recommendation dated June 1, 2015.