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MINUTES OF THE 256TH MEETING
OF THE WATER MANAGEMENT BOARD
FLOYD MATTHEW TRAINING CENTER
523 EAST CAPITOL AVENUE
PIERRE, SOUTH DAKOTA
OCTOBER 1, 2025

CALL TO ORDER AND ROLL CALL: Chairman Larson and Vice Chairman Comes were absent, so Prehearing Chairman Rodney Freeman called the meeting to order at 9:30 a.m. Central Time. Mr. Freeman then asked for nominations for a temporary chair.

Motion by Leo, seconded by Hepler, to nominate Mr. Freeman as temporary chair. There were no other nominations. Motion carried unanimously.

The roll was called, and a quorum was present.

The meeting was streaming live on SD.net, a service of South Dakota Public Broadcasting.

The following attended the meeting:

Board Members: Kelly Hepler attended in-person. Peggy Dixon, Rodney Freeman, Leo Holzbauer, and Jim Hutmacher attended remotely. William Larson and Chad Comes were absent.

Department of Agriculture and Natural Resources (DANR): Mark Mayer, Director of the Office of Water and Acting Chief Engineer, Ron Duvall, Amanda Dewell, Adam Mathiowetz, Brittan Hullinger, and Whitney Kilts, Water Rights Program.

Attorney General's Office: Emily Greco, Water Rights Program counsel.

Future Use Permit Application No. 8959-3: John Frederickson, attorney from Spearfish SD, Ron Wagner and Robin Bobzien, City of Aberdeen, and Jay Gilbertson, East Dakota Water Development District.

Legislative Oversight Committee: None.

Court Reporter: Carla Bachand, Capital Reporting Services.

Other: Bob Mercer, Keloland.

ADOPT FINAL AGENDA: Mr. McVey was not available to present the annual review of the open meeting laws, so that item was removed from the agenda and will be placed on the December meeting agenda.

Motion by Hepler, seconded by Hutmacher, to adopt the final agenda, as amended. Motion carried unanimously.

CONFLICT DISCLOSURES AND REQUESTS FOR STATE BOARD WAIVERS: None.

APPROVE JULY 9, 2025, BOARD MINUTES: Motion by Dixon, seconded by Holzbauer, to approve the minutes from the July 9, 2025, Water Management Board meeting. Motion carried unanimously.

DECEMBER 3-4, 2025, MEETING LOCATION: The December 3-4, 2025, Board meeting is scheduled in the Matthew Environmental Training Center, 523 East Capitol, Pierre.

PUBLIC COMMENT PERIOD IN ACCORDANCE WITH SDCL 1-25-1: There were no public comments.

UPDATE ON DANR ACTIVITIES: Mark Mayer, Director of the Office of Water and Acting Chief Engineer, introduced the Water Rights Program's new counsel, Assistant Attorney General Emily Greco.

Mr. Mayer reported on recent activities of the Office of Water. He noted that the vacant Chief Engineer position has still not been filled, and that he will continue as Acting Chief Engineer until the position is filled. Mr. Mayer reported that Shannon Konst was hired as a Program Assistant in the Water Rights Program.

STATUS AND REVIEW OF WATER RIGHTS LITIGATION: Ron Duvall reported that the Supreme Court ruled in the Water Management Board's favor regarding the McCook Lake Recreation Area Association's declaratory ruling request and the Dakota Bay water permit.

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

SEVEN YEAR REVIEW OF FUTURE USE PERMITS: A table listing the future use permits for a seven-year review was included in the packet the Board members received prior to the meeting.

Amanda Dewell reported that certain entities such as water distribution systems, municipalities, rural water systems, and sanitary districts can reserve water for future needs. SDCL 46-5-38.1 requires that future use permits be reviewed by the Water Management Board every seven years, and it requires the permit holder to demonstrate a reasonable need to retain the future use permit.

Four future use permits were up for review. The Water Rights Program sent letters to each of the permit holders inquiring whether they wanted to retain the future use permit for an additional seven years. The Town of Henry (4052-3) and the Town of Wallace (4054B-3) did not respond. TM Rural Water District and the City of Valley Springs submitted letters requesting to retain their future use permits.

Included in the Board packet were letters received from TM Rural Water District and the City of Valley Springs requesting to retain the future use permits, the Chief Engineer's recommendations, and the Affidavits of Publication showing that the hearing was public noticed.

No petitions in opposition or comments were received in response to the public notices.

The Acting Chief Engineer recommended that the Board cancel the future use permits for the Town of Henry and the Town of Wallace. Ms. Dewell noted that she spoke with representatives of both towns, and neither opposed the cancellation of their future use permits because both towns acquire water from rural water systems.

Motion by Hutmacher, seconded by Hepler, to cancel Future Use Permit 4052-3, Town of Henry, and Future Use Permit 4054B-3, Town of Wallace. Motion carried unanimously.

The Acting Chief Engineer recommended that the Board allow the following future use permits to remain in effect for an additional seven years for the amounts shown in the table.

No.	Name	Amount Remaining in Reserve	Source
5072-3	TM Rural Water District	66 AF	Dolton Aquifer
5444-3	City of Valley Springs	188 AF	Split Rock Creek Aquifer

Motion by Dixon, seconded Holzbauer, to accept the Acting Chief Engineer's recommendation that the TM Rural Water District's future use permit and the City of Valley Springs' future use permit remain in effect for another seven years for amounts shown in the table. Motion carried unanimously.

CANCELLATION CONSIDERATIONS: A table listing the proposed cancellations, the notices of cancellation, and the Acting Chief Engineer's recommendations were included in the packet the Board members received prior to the meeting.

Ms. Dewell stated that the 13 water rights and water permits listed in the table 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 Acting Chief Engineer recommended cancellation of the following water rights and water permits for the reasons listed:

Number	Present Owner(s) and Other Persons Notified	Previous Owner	Reason
DIVISION 1 WATER RIGHTS			
RT 1153-1	WM Scott Phillips	N/A	Abandonment/Forfeiture
RT 446-1	Sidney Luverna Anders Revocable Trust c/o Laura Anders & John Johnson	Edgar Johnson	Abandonment/Forfeiture
DIVISION 2 WATER RIGHTS			
RT 2608-2	Mark Iverson	N/A	Abandonment/Forfeiture

RT 1642-2	Wilbur Reid	Wilbur/Judith Ohlmann	Abandonment/Forfeiture
RT 2105-2	Dustin Curr	Sleepy Hollow Campground LLC	Abandonment/Forfeiture

DIVISION 3 WATER RIGHTS/PERMITS

RT 2631A-3	Spencer Quarries Inc c/o Todd Waldera	N/A	Abandonment/Forfeiture
RT 5451-3	Spencer Quarries Inc c/o Todd Waldera	N/A	Abandonment/Forfeiture
RT 5550-3	Agtegra Co-op Tulare c/o Casey Buchholz	SD Wheat Growers	Abandonment/Forfeiture
RT 5591-3	NuStar Pipeline Op. Partnership c/o Dan Tibbits	Amoco Corp.	Abandonment
RT 5755-3	NuStar Pipeline Op. Partnership c/o Dan Tibbits	Amoco Corp.	Abandonment
PE 7821-3	Leber Bros LLC c/o Rich Leber	N/A	Non-Construction/Failure to place water to beneficial use
PE 8253-3	Windy Ridge Hutt. Breth. c/o John Waldner	Makens Oak Tree LLP	Non-Construction/Failure to place water to beneficial use
RT 1704-3	Rita or Gerald Turner	Allen Turner	Abandonment/Forfeiture

Motion by Hutmacher, seconded by Hepler, to accept the Acting Chief Engineer's recommendations for cancellation of the 13 water rights and water permits for the reasons listed in the table. Motion carried unanimously.

CONSIDER VALIDATION OF RECOGNIZED VESTED WATER RIGHT CLAIM NO. 818-3, GAME, FISH, AND PARKS FOR LAKE CAMPBELL DAM: Ms. Dewell reported that Recognized Vested Water Right Claim 818-3 is held by the South Dakota Department of Game, Fish, and Parks for 240 acre-feet of water to fill Lake Campbell Dam for public recreation purposes. Lake Campbell Dam is located approximately three miles northwest of Mound City, SD.

In 1988, the Water Rights Program issued public notices in all counties where vested water right claims were located. In response to the public notices, the Chief Engineer at the time opposed validation of this vested water right claim and nearly all of Game, Fish, and Parks vested water right claims in order to include an outlet or spillway elevation, to correct the amount of water claimed, or to add any amendments or qualifications necessary to clarify the vested right claims.

In the case of Lake Campbell Dam, the spillway elevation had not yet been determined. In April 2025 the Water Rights Program conducted a survey of Lake Campbell Dam, which determined a spillway elevation of 1,783.3 feet mean sea level (NAVD 88).

The Acting Chief Engineer recommended that the Board validate the recognized claim for sufficient water annually to maintain the water level to the spillway elevation of 1,783.3 feet mean sea level (NAVD 88) with the vested water right maintaining a priority date of January 1, 1934.

Motion by Hepler, seconded by Hutmacher, to approve validation of Recognized Vested Water Right Claim No. 818-3 for sufficient water annually to maintain the water level to Lake Campbell Dam's spillway elevation of 1,783.3 feet mean sea level (NAVD 88) with the vested water right maintaining a priority date of January 1, 1934. Motion carried unanimously.

CONSIDER REMOVAL OF QUALIFICATION NO. 6 ON WATER PERMIT NO. 6817-3, HANSEN VENTURES LLC: Ms. Dewell reported that Water Permit No. 6817-3 authorized the completion of one well for the diversion of 2.0 cfs to irrigate 130 acres in Clay County. Qualification No. 6 states that if the well had not yet been constructed, the well needed to be developed at least 1,320 feet from the Vermillion River. That qualification was originally placed on the permit following standard setback requirements for wells completed into aquifers where the aquifer and the river may be hydrologically connected and could negatively impact the river.

An inspection conducted in 2025 for the purpose of licensing the permit found that the well was constructed only 700 feet from the river, two months after the permit was issued. A brief internal staff review was conducted by Adam Mathiowetz who determined that due to the saturated aquifer thickness, the lateral area extent of the aquifer at this location, and the absence of any complaints on file with the Water Rights Program, it is unlikely that removal of this qualification would result in adverse impacts to the aquifer which the well is completed into, the river, or any nearby permit holders or domestic water users.

The Acting Chief Engineer recommended removal of Qualification No. 6 by the Board, pursuant to statute, so the system authorized under Permit No. 6817-3 may be licensed as it was developed.

Motion by Dixon, seconded by Hutmacher, to remove Qualification No. 6 from Water Permit No. 6817-3. Motion carried unanimously.

CONSIDER ADDITION OF MANDATORY WATER USE REPORTING QUALIFICATION TO VESTED WATER RIGHT NO. 810-3 AND WATER RIGHT NO. 5239-3, CITY OF FREEMAN: Ms. Dewell noted that there was a typographical error on the notice that was sent to the City of Freeman. The last paragraph on the first page says the Board is authorized to remove the qualification as recommended. It is supposed to say the Board is authorized to add the qualification as recommended.

Acting Chair Freeman asked if any of the Board members feel this matter should be re-noticed. Mr. Duvall noted that staff has contacted the City of Freeman regarding the typographical error, and the city is aware of the mistake.

None of the Board members had an objection to moving forward with this matter.

Ms. Dewell reported that Vested Water Right No. 813-3 and Water Right No. 5239-3 are both held by the City of Freeman and authorize respective appropriation of 0.63 cfs (285 gpm) and 0.33

cfs (150 gpm) from two separate wells completed into the Niobrara Aquifer for municipal use.

A brief staff review was conducted by Adam Mathiowetz noting that the portion of the Niobrara Aquifer the city's wells are completed into has been a problem area where shut-off orders have been required in the past. Those shut-off orders were a cumulative result of pumping and drought conditions that ultimately caused unlawful impairment for multiple domestic wells.

The majority of surrounding water users are irrigators that submit their water use on annual irrigation questionnaires, and there are also a handful of commercial users who already have qualifications on their permits requiring reporting. Mandatory reporting requirements have become common on more recently issued non-irrigation permits, as they are necessary for the Water Rights Program's ability to assess water availability and the history of well interference complaints in this area of the Niobrara Aquifer. The City of Freeman is the last appropriative user in the area not required to report.

The Acting Chief Engineer recommended that, pursuant to statute, the Board add a qualification to mandate annual water use reporting to both the vested water right and the water right.

Mr. Hepler asked what will trigger the Water Rights Program's concern?

Ms. Dewell said the staff's hope is that by knowing the city's withdrawals and the time of their withdrawals, if there are concerns, the Water Right's Program would know who the most nearby user is and when they need to be shut off if issues come up.

Mr. Mathiowetz stated that from a technical aspect, when staff reviews observation well hydrographs they also like to know who is pumping, how much they're pumping, and when they're pumping because that helps the Water Rights Program determine; if it is a more localized pumping event, or from everyone pumping across the aquifer, or if it's a precipitation related event.

Ms. Dixon asked how the permit holder will be notified of the additional qualification?

Ms. Dewell answered that a notice will be sent to the permit holder, and the licenses will be reissued with the additional qualification.

Motion by Hutmacher, seconded by Dixon, to add the following qualification to Vested Water Right No. 813-3 and Water Right No. 5239-3: The permit holder shall report to the Chief Engineer annually the amount of water withdrawn from the Niobrara Aquifer. Motion carried unanimously.

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

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

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 WATER PERMIT APPLICATION NO. 8777-3, POINSETT HUTTERIAN BRETHREN INC.: Water Rights Counsel Emily Greco, Assistant Attorney General, stated that this matter is for consideration of Water Permit Application No. 8777-3 for Poinsett Hutterian Brethren, Inc. The staff report, the Acting Chief Engineer's recommendation, and Affidavits of Publication of notice were included in the Board packet. The application proposes to appropriate 1.67 cfs from one existing well in the Prairie Coteau Aquifer to irrigate 136 acres located approximately five miles southeast of Castlewood and six miles north-northwest of Estelline in Hamlin County.

Ms. Greco noted that this application was previously presented to the Board and was deferred for up to two years at the December 2023 meeting. The applicant recently submitted a study, conducted by a consultant, and requested review of the application. The Acting Chief Engineer recommended approval of the application with qualifications. There were no petitions or comments received. Ms. Greco stated that the staff report was authored by Kim Drennon.

Ms. Drennon reported that the Prairie Coteau Aquifer is a catch-all term for sand and gravel outwash bodies which means when someone proposes to withdraw from it, we need to look around the whole area to see how much aquifer there is around that application.

Ms. Drennon stated that in 2023 Adam Mathiowetz authored the first report indicating that further study was needed. The applicant submitted a report by their consultant. Using the data from their consultant's report Ms. Drennon was able to delineate the area of the aquifer and determine that there is reasonable probability unappropriated water is available, and that this application can be developed without unlawful impairment of existing water rights.

Mr. Hutmacher asked why the recommendation does not include the qualification for a licensed well driller to construct the well?

Ms. Drennon answered that the well has already been constructed by a licensed well driller.

Motion by Hepler, seconded by Dixon to approve Water Permit Application No. 8777-3, Poinsett Hutterian Brethren, Inc. subject to the following qualifications:

1. The well approved under Water Permit No. 8777-3 is located near domestic wells and other wells which may obtain water from the same aquifer. The well owner, under this Permit must control withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.

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

Motion carried unanimously.

CONSIDER FUTURE USE WATER PERMIT APPLICATION NO. 8959-3, CITY OF ABERDEEN: Ms. Greco stated that this matter is for consideration of Future Use Permit Application No. 8959-3 for the City of Aberdeen. The application, staff report, the Acting Chief Engineer's recommendation, Affidavits of Publication, and a comment were included in the Board packet. The City of Aberdeen wishes to obtain a future use permit to appropriate and reserve 9,500 acre-feet of water annually from the Missouri River. The withdrawal site is in Walworth County approximately 9.5 miles southeast of Mobridge. The water is to be reserved for municipal, domestic, commercial, industrial, recreational, water distribution, and fish and wildlife purposes.

Ms. Greco said the Acting Chief Engineer recommended approval of the application subject to qualifications. No petitions in opposition were received. One comment was received. According to SDCL 46-2A-4(7) a comment does make the commenter a party of record. The staff report is authored by Brittan Hullinger.

Ms. Hullinger stated that the water will ultimately be delivered to the City of Aberdeen in the future via the Water Investment in Northern South Dakota (WINS) project. She said the report was fairly standard for a Missouri River report. There is unappropriated water available and there is a need by the entity for the water. The project treatment plant capacity for the City of Aberdeen was projected to be 15.34 mgd by the year 2045, which is approximately 17,000 acre-feet per year. From that perspective, it seems that 9,500 acre-feet per year was a reasonable amount of water to request. Ms. Hullinger said the Acting Chief Engineer recommended approval with qualifications.

Ms. Hullinger stated that the application was public noticed for Board action today rather than for the Chief Engineer to issue the permit if uncontested. This was done mostly due to the large amount of water being requested. The Water Rights Program is required to provide any written comments from the public to the Board. In response to the comments by Mr. Gilbertson, Ms. Hullinger said the Water Rights Program processes applications as submitted, and staff does not ask the applicant to apply for more water. It is up to the City of Aberdeen to defend the amount of water it requested in the application, and the Water Rights Program found that it was a reasonable amount of water. When the Water Rights Program requested it, the City of Aberdeen submitted supplemental information to justify that amount of water.

Acting Chair Freeman noted that Mr. Gilbertson's comment was included in the Board packet. He asked if any Board member had questions of Ms. Hullinger.

Mr. Holzbauer asked what the application cost is for the reservation of 9,500 acre-feet of water annually? Mr. Duvall stated that the cost of the application is $155.00, which is 10 percent of the regular application fee. Mr. Duvall also noted that Jay Gilbertson, East Dakota Water Development District, was present.

Ms. Dixon said the comment indicates that Mr. Gilbertson believes the applicant is trying to circumvent the law. She asked for an explanation.

Mr. Duvall stated that by statute, when there is an application in excess of 10,000 acre-feet it needs legislative approval. The Water Management Board passes the application on to the legislature, the legislature acts on it, and it then comes back to the Board for final action. This application is for less than 10,000 acre-feet so it's not circumventing the law because the law doesn't require it to go to the legislature.

John Frederickson, Spearfish, was administered the oath and testified that he is an attorney, and he assisted the City of Aberdeen in preparing the application. The application was prepared and submitted to the Water Rights Program. The Water Rights Program deemed the application complete in all respects. The Water Rights Program engineers reviewed the application and determined the application in its entirety met the statutory requirements, that there is a reasonable amount of water available for the amount requested, that the proposed uses that the City of Aberdeen intends on using the water for are in the public interest, and considering work and research that was done by Mark Rath (previous Water Rights staff engineer) that there would be no adverse effect to the Missouri River water flow. Mr. Frederickson said the Acting Chief Engineer recommended approval. The one question that came up is regarding the amount of water being requested. He said he takes some issue with Mr. Gilbertson's statement that the City of Aberdeen is circumventing the law. The City's request is certainly within the confines of the law, and based on the City's knowledge at this point, that is the reason for the amount requested. Mr. Frederickson noted that Robin Bobzien, Aberdeen City Manager, and Ron Wager, Aberdeen City Attorney, were present and available to answer questions. Mr. Frederickson stated that the City of Aberdeen has met all of the requirements of the law, and the City of Aberdeen is not trying to get around the law. Mr. Frederickson said he believes the legislature knew what it did when it passed the statute setting the 10,000 acre-feet amount of water that would require their jurisdiction, and if there is an issue with that, it should be taken up with the legislature.

Mr. Holzbauer asked how soon the City of Aberdeen can apply for another future use permit? Mr. Frederickson said that would probably be on a need basis, if they anticipate that there will be a bigger need they would then have to apply.

Motion by Hepler, seconded by Dixon, to approve Future Use Water Permit No. 8959-3, City of Aberdeen with the following qualifications:

1. Future Use Permit No. 8959-3 reserves 9,500 acre-feet of water annually from the Missouri River.

2. Future Use Permit No. 8959-3 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.

The motion carried unanimously.

UNOPPOSED NEW WATER PERMITS ISSUED ON THE CHIEF ENGINEER'S RECOMMENDATION: Prior to the meeting, the Board received a copy of the table listing the unopposed new water permits issued by the Acting Chief Engineer. (See attachment)

Comment received concerning Application No. 2892-2, GF&P Custer State Park Horse Camp: Ms. Greco stated that the application, staff recommendation, staff report, Acting Chief Engineer's recommendation, Affidavits of Publication, and the two comments submitted were included in the Board packet.

The permit authorizes appropriation of up to 4.06 acre-feet of water annually at a maximum instantaneous diversion rate of 0.078 cfs, which is approximately 35 gpm, from an existing well completed into the Crystalline Rock Aquifer approximately eight miles south of Custer to be used for domestic use at Custer State Park Horse Camp. The Acting Chief Engineer recommended and subsequently granted approval of this permit with qualifications. The report was authored by Nakaila Steen.

A comment was submitted by Nancy Hilding, President of the Prairie Hills Audubon Society. Ms. Steen stated that the comment was related to a concern that the permit, if issued, would affect flows into French Creek. The existing wells proposed to be used are located near French Creek; however, they are not alluvial wells. The wells were completed into the aquifer 300 and 310 feet deep, respectively, so impacts to French Creek are not expected.

Mr. Duvall noted that these permit applications were "short form" public noticed. When short form noticed, if anyone files a petition in opposition, the application is then noticed for hearing. If no one opposes the application, the Chief Engineer can issue the permit in-house.

In response to a question from Mr. Hepler regarding a potential concern about French Creek and leading to further concerns about the American Dipper, Mr. Duvall stated he believes this application falls under public interest, and that concerns matters that are within the Water Management Board's regulatory authority. Appropriation of water is within the Board's regulatory authority, and if the Board believes there's a related public interest concern because of the use of this water, that is an issue the Board could address. The Chief Engineer typically does not recommend approval of direct diversions out of Black Hills creeks because the Water Rights Program believes the water is fully appropriated. Mr. Hepler asked if staff would contact Nancy Hilding and explain very clearly that the Water Management Board discussed it, and there does

not appear to be withdrawal issue because of the nature and the depth of the wells. Mr. Duvall said staff will contact Ms. Hilding.

No Board action is required because the permit has already been issued.

Comment received concerning Application No. 8960-3: Ms. Greco stated that the application, staff recommendation, staff report, Acting Chief Engineer's recommendation, Affidavits of Publication, and the two comments submitted were included in the Board packet.

The permit authorizes Thunder Ridge to appropriate an additional 0.045 cfs to what is currently authorized by existing Permit No. 8068-3, which authorizes an appropriation of up to 0.11 cfs from two existing wells with no increase in the authorized 46 acre-feet of water annually, so the two water permits collectively authorize a total of 46 acre-feet of water annually at a maximum diversion rate of 0.155 cfs for commercial use in a swine confinement facility.

The Acting Chief Engineer recommended and subsequently granted approval with qualifications. The report was authored by Nakaila Steen.

Ms. Steen stated that the comment was submitted by Jay Gilbertson expressing concern about unappropriated water being available in the Sioux Quartzite Aquifer and no observation well data or recharge rate information being available. The Sioux Quartzite Aquifer exists in fractures, so observation well data and recharge rates would be site-specific. It would require several observation wells to provide coverage on the aquifer, and each would only be providing water level data for that specific location. Recharge is difficult to quantify due to the unpredictable and uneven nature of secondary porosity features in the quartzite. The permit issued for Thunder Ridge is not an increase in the volume previously authorized by the other permit held by the applicant, only an increase in the diversion rate. No new water is to be appropriated, and these existing wells have been operating since 2014 and 2015 without any complaints regarding well interference on file.

No Board action was required because the permit has already been issued.

Acting Chair Freeman declared a recess. He called the meeting back to order at 10:45 a.m.

CONSIDER ADDITION OF MANDATORY WATER USE REPORTING QUESTIONNAIRE TO WATER RIGHT NO. 6187-3, BRETT JENS: Ms. Dewell reported that Water Right No. 6187-3 is currently the only water right or permit from the Tulare: Western Spink-Hitchcock Aquifer that is not for irrigation purposes. There were previously two, but the Water Management Board had cancelled Water Right No. 5550-3 earlier in today's meeting. Mr. Jens recently took ownership of this water right after Dakota Air Spray had ceased their use of the well. A brief internal staff review was conducted by Adam Mathiowetz noting that both the East James and Western Spink-Hitchcock management units of the Tulare Aquifer have been deemed fully appropriated by the Board with a waiting list of held applications for each, and that while the authorized diversion rate for this water right is quite low, annual reporting of the water use would ultimately provide a more accurate calculation of withdrawals, thus resulting in a more accurate determination of potential water availability and more reliable management of the aquifer.

Ms. Dewell noted that due to the Tulare: Western Spink-Hitchcock Aquifer being fully appropriated and the uncertainty described by Mr. Jens as to how he planned to use the water, the Acting Chief Engineer recommended that, pursuant to the statute, the Board add the following qualification to the permit: The permit holder shall report to the Chief Engineer annually, the amount of water withdrawn from the Tulare: Western Spink-Hitchcock Aquifer, and how the water was used.

Ms. Dewell added this is the only permit in the all of the Tulare: Western Spink-Hitchcock Aquifer that does not have to report at this time. It was previously held by Dakota Air Spray who used it for filling some of their commercial chemigation tanks. Mr. Jens bought the property from Dakota Air Spray within the last year and plans to use the well.

Mr. Jens was not present at the meeting.

Motion by Hutmacher, seconded by Hepler, to add the following qualification to Water Right No. 6187-3, Brett Jens: The permit holder shall report to the Chief Engineer annually, the amount of water withdrawn from the Tulare: Western Spink-Hitchcock Aquifer and how the water was used. Motion carried unanimously.

ADJOURN: Motion by Hutmacher, seconded by Holzbauer, to adjourn. Motion carried unanimously.

A court reporter was present, and a transcript of the proceedings may be obtained by contacting Carla Bachand, Capital Reporting Services, PO Box 903, Pierre SD 57501, telephone number (605) 222-4235.

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

Approved December 3, 2025.

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Water Management Board

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

WATER MANAGEMENT BOARD MEETING
October 1, 2025

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

No.	Name	Address	County	Amount	Use	Source	Qualifications
2334A-2	Croell Redi Mix	Sundance WY	PE	No Add'l	IND	1 well – Inyan Kara	wi, 1 special
2045-1	DVC Cabin Investments, LLC.	Pearland, TX	LA	2.45 AF	COM	2 wells – Crystalline Rock	wi, 2 special
2046-1	Nathan R. Howie	White Owl	MD	4.46 cfs	IRR (235 acres)	Belle Fourche	lf, iq, 2 special
2045-1	DVC Cabin Investments, LLC.	Pearland, TX	LA	2.45 AF	COM	2 wells – Crystalline Rock	wi, 2 special
798B-2	The Nature Conservancy	Minneapolis	MN	1.319 AF	DOM	Dry Creek – storage dam	lf
2889-2	Cameron Dougherty Lv Trust & Cheryl Dougherty LV Trust	Colome	TR	0.33 cfs	IRR (118 acres)	Ponca Creek	lf, 7 special
2890-2	Ideal Bison Ranch LLC	Winner	TR	0.89 cfs	IRR (95 acres)	1 well – Dakota	wi, 2 special
2891-2	SD Game Fish & Parks	Custer	CU	6.0 AF	DOM	1 well – Crystalline Rock	wi, 2 special
2892-2	SD Game Fish & Parks	Custer	CU	4.06 AF	DOM	2 wells – Crystalline Rock	wi, 2 special
2893-2	Town of Hermosa	Hermosa	CU	463 AF	MUN	1 well – Madison	wi, wcr, 3 special
2894-2	Rapid Valley Sanitary Dist.	Rapid City	PE	917 AF	RWS	1 well – Madison	wi, 3 special
2895-2	Steve Simunek	Oral	CU	28 AF	RWS	1 well – Madison	wi, wcr, 3 special
6988B-3	Joint Well Field, Inc.	Toronto	BG	No Add'l	RWS/Future	Big Sioux: Brookings	wi, 3 special
8911-3	City of Sioux Falls	Sioux Falls	MA	4,253 AF	MUN	1 well – Big Sioux: Sioux Falls	wi, wcr, 2 special
8912-3	City of Sioux Falls	Sioux Falls	MA	1,747 AF	MUN	1 well – Big Sioux: Sioux Falls	wi, 2 special
8930-3	TM Rural Water District	Parker	HT	1,103 AF	RWS	1 well – Dolton	wi, wcr, 2 special
8943-3	Ostrem Farms	Centerville	CL	No Add'l	IRR (180 acres)	1 well – Upper Vermillion Missouri: South	wi, iq
8944-3	Wolf Creek Hutterian Brethren	Olivet	HT	No Add'l	IRR (70 acres)	1 well – Lower James Missouri	wi, iq
8946-3	Jerry L. Moench	Alexandria	HS	85.4 AF	REC/FWP	Bloom Creek	lf, 4 special
8947-3	Bottolfson Brothers	Vermillion	CL	No Add'l	IRR (9.96 acres)	1 well – Lower Vermillion: Missouri	wi, iq
8948-3	NorSwiss Dairy, Inc.	Twin Brooks	GT	No Add'l	IRR (34 acres)	1 well – Prairie Coteau	wi, iq
8949-3	Tom Nuhsbaumer	Zell	HD	1.78 cfs	IRR (130 acres)	4 wells – Quaternary Alluvium	wi, wcr, iq
8950-3	Tom Nuhsbaumer	Zell	HD	1.78 cfs	IRR (140 acres)	4 wells – Quaternary Alluvium	wi, wcr, iq

8951-3	Tyson Nuhsbaumer	Zell	HD	1.78 cfs	IRR (140 acres)	4 wells – Quaternary Alluvium	wi, wcr, iq
8952-3	Chad or Becki Steinocker	Summit	GT	1.78 cfs	IRR (110 acres)	1 well – Big Sioux: North	wi, wcr, iq
8953-3	Ross & Annette Ulmer	Frederick	BN	1.78 cfs	IRR (155 acres)	1 well – Elm: Northern Brown	wi, wcr, iq
8954-3	Troi D. Andernacht	Hurley	TU	1.45 cfs	IRR (40 acres)	1 well – Parker Centerville	wi, wcr, iq, 1 special
8955-3	L.G. Everist, Inc.	Sioux Falls	BG	66.3 AF	IND	Pond - Big Sioux: Aurora	wi, 1 special
8956-3	Joint Well Field, Inc.	Toronto	BG	550 AF	WRS/Future	Big Sioux Brookings	4 special
8957-3	Preheim Feedlot, LLC.	Bridgewater	HT	92 AF	COM	2 wells – Niobrara	wi, wcr, 3 special
8958-3	Don Lantis	No Sioux Falls	UN	0.17 AF	COM	1 well – Dakota	wi, 2 special
8960-3	Thunder Ridge RE, LLC.	Pipestone	TU	No Add'l	COM	2 wells – Sioux Quartzite	wi, 4 special
8962-3	L.G. Everist, Inc.	Sioux Falls	MA	1,048 AF	IND	Big Sioux: South	wi, 2 special
8964-3	Tim Montagne	Jefferson	UN	2.0 cfs	IRR (68 acres)	1 well – Missouri: Elk Point	wi, iq, 1 special

Future Use Reviews

No.	Name	Address	County	Amount Remaining in Reserve	Use	Source	Qualifications
4052-3	Town of Henry	Henry	CD	869 AF	Future	Altamont	2 special
4054B-3	Town of Wallace	Wallace	CD	12 AF	Future	Altamont	2 special
5072-3	TM Rural Water District	Parker	MC	66 AF	Future	Dolton	4 special
5444-3	City of Valley Springs	Valley Springs	MA	188 AF	Future	Split Rock Creek	4 special