



**DANR**  
SOUTH DAKOTA

**WATER MANAGEMENT BOARD**  
**Meeting on July 9, 2025**

Floyd Matthew Training Center  
Joe Foss Bldg., 523 E Capitol Ave, Pierre SD

**Any person(s) interested in speaking during the public comment period via remote connection can learn how at <https://boardsandcommissions.sd.gov> on the Water Management Board page.**

**Scheduled times are based on Central Time and are estimated start times.**

**Agenda items may be delayed due to prior scheduled items.**

**Live audio of the meeting is available at <https://www.sd.net>**

**July 9, 2025**

9:30 AM Call to Order

Roll Call

Annual Election of Officers

Appointment of Prehearing Officer

Adopt Final Agenda

Conflicts Disclosures and Requests for State Board Waivers

Adopt May 7, 2025, Board Minutes

Set October 1 - 2, 2025, Meeting Dates and Location

Public comment period in accordance with SDCL 1-25-1

Update on DANR Activities

Status and Review of Water Rights Litigation

Administer Oath to Department of Agriculture and Natural Resources Staff

Future Use 7 Year Review – Amanda Dewell

Cancellation Considerations – Amanda Dewell

Violation of Annual Water Use Reporting Qualification for Non-Irrigation Water  
Permits/Rights – Ron Duvall

Unopposed Water Permits Issued based on Chief Engineer's Recommendation – Ron Duvall

- Comment received concerning Water Permit Application No. 8942-3, Plainview Dairy LLC

9:45 AM Consider Water Permit Application No. 8903-3, City of Dell Rapids – Adam Mathiowetz

**LUNCH**

Continue any prior agenda items not yet completed.

**ADJOURN**

## **WATER MANAGEMENT BOARD**

### **Meeting on July 9, 2025**

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

Notice is given to individuals with disabilities that the meeting is being held in a physically accessible location. Individuals requiring assistive technology or other services in order to participate in the meeting or materials in an alternate format should contact Brian Walsh, Nondiscrimination Coordinator, by calling (605) 773-5559 or by email at [Brian.Walsh@state.sd.us](mailto:Brian.Walsh@state.sd.us) as soon as possible but no later than two business days prior to the meeting in order to ensure accommodations are available.

## DRAFT

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

MINUTES OF THE 254<sup>TH</sup> MEETING  
OF THE WATER MANAGEMENT BOARD  
FLOYD MATTHEW TRAINING CENTER  
523 EAST CAPITOL AVENUE  
PIERRE, SOUTH DAKOTA  
MAY 7, 2025

CALL TO ORDER AND ROLL CALL: Chairman Hutmacher called the meeting to order at 9:30 a.m. Central Time. 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: Jim Hutmacher, Chad Comes, Peggy Dixon, Rodney Freeman, Leo Holzbauer, and William Larson.

Department of Agriculture and Natural Resources (DANR): Mark Mayer, Director of the Office of Water and Acting Chief Engineer, Ron Duvall, Amanda Dewell, Kim Drennon, Brittan Hullinger, and Austin Settje, Water Rights Program.

Attorney General's Office: David McVey, Board counsel; Jennifer Verleger, Water Rights Program counsel.

Court Reporter: Carla Bachand, Capital Reporting Services.

Consider Future Use Water Permit Application No. 2881-2, Western Dakota Regional Water System: Executive Director Kristin Conzet and Talbot Wieszorek, attorney.

Other: Kelly Hepler, pending Water Management Board member.

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

CONFLICT DISCLOSURES AND REQUESTS FOR STATE BOARD WAIVERS: None.

APPROVE MARCH 5, 2025, BOARD MINUTES: Motion by Freeman, seconded by Comes, to approve the minutes from the March 5, 2025, Water Management Board meeting. The motion carried unanimously.

SET JULY 9-10, 2025, MEETING LOCATION: The July 9-10 Board meeting will be at the Matthew Environmental Training Center, 523 East Capitol, Pierre.



**DRAFT**

PUBLIC COMMENT PERIOD IN ACCORDANCE WITH SDCL 1-25-1: None.

UPDATE ON DANR ACTIVITIES: Mark Mayer, Director of the Office of Water and Acting Chief Engineer, welcomed Kelly Hepler, pending future Water Management Board member, who is being appointed by the Governor to fill the vacancy left by Tim Bjork. Mr. Mayer noted that after Mr. Hepler's paperwork is processed, he will officially be a member of the Board.

Mr. Hepler introduced himself and discussed his background and employment history. He was most recently the Secretary of the Department of Game, Fish and Parks, and he retired in 2020.

Mr. Mayer reported on activities of the Office of Water. He noted that the vacant Chief Engineer position has been advertised since March. There has been one applicant who was not qualified for the position. Mr. Mayer will continue as Acting Chief Engineer until the position is filled.

Mr. Mayer asked for Board member input regarding receiving the meeting packets electronically rather than a hard copy. Mr. Duvall will send an email to each Board member asking for their preference on receiving the packet.

STATUS AND REVIEW OF WATER RIGHTS LITIGATION: David McVey reported that the Supreme Court has not made a decision 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 stated that certain entities such as water distribution systems, municipalities, and rural water systems can reserve water for future needs.

State law 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.

Ms. Dewell reported that there were five future use permits for review. The Water Rights Program contacted each of the entities inquiring whether they wanted to retain the future use permits for an additional seven years. The letters received from the entities requesting to retain their future use permits, the Chief Engineer's recommendations, and the Affidavits of Publication showing that the hearing was public noticed were included in the Board packet.

No Petitions in opposition were received in response to the public notices.



## DRAFT

The Acting Chief Engineer recommended that the Board allow the following future use permits to remain in effect for an additional seven years, to be reviewed in 2032, as listed below.

No.	Name	Amount Remaining in Reserve	Source
3574A-3	Clay RWS	1,000 AF	Missouri River
4798-3	City of Parker	340 AF	Parker Centerville Aquifer
4817-3	South Lincoln RWS	1,448 AF	Dakota Aquifer
4860-3	City of Hoven	410 AF	Bowdle Aquifer
6512-3	City of Madison	387 AF	Howard Aquifer

Motion by Holzbauer, seconded by Comes, to accept the Acting Chief Engineer's recommendation that the five future use permits remain in effect for another seven years for the amounts shown in the table. A roll call vote was taken, and the motion carried unanimously.

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

Amanda Dewell stated that the 24 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	Original Owner	Present Owner(s) and Other Persons Notified	Reason
--------	----------------	--	--------

### DIVISION I WATER RIGHTS/PERMITS

RT 791-1	Craig & Joyclyn Mollman	N/A	Abandonment/Forfeiture
----------	-------------------------	-----	------------------------

### DIVISION III WATER RIGHTS/PERMITS

RT 3001-3	Nancy Roda	Vern Roda	Abandonment/Forfeiture
RT 3190-3	Dennis Sanger	Daelyn Sanger	Abandonment/Forfeiture
RT 2205-3	Buiser Family Trust c/o Randy Buiser	N/A	Abandonment/Forfeiture
RT 1132-3	City of Miller c/o Finance Officer	N/A	Abandonment/Forfeiture
RT 2718-3	City of Miller c/o Finance Officer	N/A	Abandonment/Forfeiture

<b>VRT 825-3</b>	City of Miller c/o Finance Officer	N/A	Abandonment/Forfeiture
<b>RT 7310-3</b>	Klein Land & Cattle c/o Gayle Klein	N/A	Abandonment/Forfeiture
<b>RT 2036-3</b>	Todd Mcelhany	James & Joan Mcelhany	Abandonment/Forfeiture
<b>PE 7647-3</b>	Jared Higman	Heikes Family Farm LLC	Abandonment
<b>PE 8375-3</b>	Maxon Conkey	N/A	Non-Construction
<b>PE 7518-3</b>	Jerry Runia	N/A	Non-Construction/Failure to place to beneficial use
<b>PE 8222-3</b>	Southeast Farmers Co Op c/o Larry Bork	N/A	Non-Construction
<b>PE 6961-3</b>	Norman Kramer	N/A	Non-Construction/Failure to place to beneficial use
<b>PE 8172-3</b>	Chris Lamb	N/A	Non-Construction
<b>RT 2506-3</b>	James Reiners	N/A	Abandonment/Forfeiture
<b>RT 2269-3</b>	Travis Wiese	N/A	Abandonment/Forfeiture
<b>PE 8148-3</b>	Troi D Andernacht	N/A	Non-Construction
<b>PE 8052-3</b>	Dennis Wolff	N/A	Non-Construction
<b>RT 2603-3</b>	Dana Dennert	N/A	Abandonment/Forfeiture
<b>RT 5545-3</b>	University of South Dakota c/o Nate Steele	N/A	Abandonment/Forfeiture
<b>PE 7905-3</b>	Huron Hutterian Brethren c/o Joey Waldner	N/A	Non-Construction
<b>PE 8624-3</b>	Mark Johnson	N/A	Non-Construction/Failure to place to beneficial use
<b>RT 7171-3</b>	Willow Run Management Co c/o Barry Anderson	N/A	Abandonment/Forfeiture

Motion by Freeman, seconded by Larson, to accept the Acting Chief Engineer's recommendations for cancellation of the 24 water rights and water permits for the reasons listed in the table. A roll call vote was taken, and the motion carried unanimously.

CONSIDER FUTURE USE WATER PERMIT APPLICATION NO. 2881-2, WESTERN DAKOTA REGIONAL WATER SYSTEM: Brittan Hullinger reported that Application No. 2881-2 for the Western Dakota Regional Water System (WDRWS) is for a future use water permit to reserve 20,765 acre-feet of water annually from the natural flows of the Missouri River.

On December 2, 2024, the Board moved to present Future Use Permit Application No. 2881-2 to the South Dakota Legislature for approval because the future use permit application was for a reservation of water exceeding 10,000 acre-feet annually.

On March 10, 2025, Senate Joint Resolution No. 501 was signed providing legislative approval for the future use application and returning the application to the Water Management Board for final action.



## DRAFT

The potential area for future diversion is mapped in the report to the Chief Engineer and is the general area between Chantier Creek and Farm Island. The water is to be reserved as a future water supply for 19 counties west of the Missouri River in South Dakota.

The public interest of the proposed future use reservation is to supply water to rural and municipal water systems as populations grow and during extended droughts. Numerous investigations were done over the past few years that evaluate current capabilities of water systems and the future needs.

The data used to evaluate water availability of the natural flows of the Missouri River at Oahe Dam is from a 2001 US Geological Survey study that modeled different outflows using 100 years of historical inflow data. One of the outflow alternatives provides a realistic description of flows in the absence of flow regulation by the reservoirs.

While this application proposes to use only natural flows of the Missouri River, the normal effects of the reservoirs are that they tend to reduce flooding events and low flow periods. However, looking at hydrographs of flows modeled in the absence of regulation there is ample flow available in the Missouri River year-round even at the 90% exceedance probabilities, meaning that nine out of 10 years that flow was equaled or exceeded.

Since the report for this application was written, there are currently 250 active water rights appropriating water from the natural flows of the Missouri River authorizing a total diversion rate of approximately 1,219 cfs from the river, where 1,032 cfs is primarily authorized for irrigation use and 187 cfs is authorized for a non-irrigation use. There are currently 20 future use permits reserving 365,201 acre-feet of water annually from the Missouri River. If this application is approved, future use permits would reserve a total of 385,966 acre-feet per year.

By making conservative assumptions about the amount of pumping occurring at any given time, if all existing future use permits become fully developed, water is available year-round from the Missouri River for this future use permit.

When a future use permit requests to put their reserved water to beneficial use, a new water permit is issued, which includes a pump rate and the requested annual volume for that water permit is subtracted from the volume of water reserved by the future use permit. Therefore, any active pumping of water reserved by future use permits is included in the 1,219 cfs previously mentioned.

Ms. Hullinger stated that no one contested the application in response to the public notice, and the Acting Chief Engineer is recommending approval with qualifications.

Mr. Duvall noted that Kristin Conzet, Western Dakota Regional Water System Executive Director, and Talbot Wieszorek, legal counsel, were present to answer questions.

There were no questions



## DRAFT

Motion by Comes, seconded by Freeman, to approve Future Use Water Permit No. 2881-2, Western Dakota Regional Water System for 20,765 acre-feet of water annually from the Missouri River. A roll call vote was taken, and the motion carried unanimously.

### REQUEST TO RESCIND ONE-YEAR SUSPENSION OF WATER PERMIT No. 8408-3:

Amanda Dewell reported that Water Right No. 6278-3 authorized diversion of 0.11 cfs (50 gpm) from one well for irrigation of 15 acres of golf greens at the Royview Golf Course. Permit No. 8408-3 increased that diversion rate for a total of 90 gpm. Both Water Right No. 6278-3 and Water Permit No. 8408-3 were held by Robert Novatny at the time of the department mailing the irrigation questionnaires for the 2024 season.

On March 5, 2025, Permit No. 8408-3 was suspended effective April 4, 2025, by the Board for a period of one year for failure to submit the 2024 irrigation questionnaire. Corresponding Water Right No. 6278-3 was amended to make the return of future questionnaires mandatory. Questionnaires, notices, and various other correspondence were sent to Mr. Novatny, who signed for the Certified Letter that was sent after the March meeting, but no attempts were made by him to respond.

After the suspension took effect, Ms. Dewell was contacted by Thomas Satrang, who is a representative of the Royview Country Club. He reported that a group of investors purchased the golf course from Mr. Novatny in the spring of 2024, and that Mr. Novatny never indicated that there were water rights for the golf course, that water rights needed to be transferred, and Mr. Novatny did not pass along any of the correspondence regarding last year's irrigation questionnaires. Mr. Satrang promptly completed the 2024 irrigation questionnaires and filed Notice of Transfer of Ownership paperwork for both Water Permit No. 8408-3 and Water Right No. 6278-3. He also submitted a letter explaining the situation and requesting that the one-year suspension be lifted. Ms. Dewell noted that a copy of the letter was emailed to the Board.

Motion by Freeman, seconded by Larson, to rescind the suspension of Water Permit No. 8408-3. A roll call vote was taken, and the motion carried unanimously.

VALIDATION OF VESTED CLAIM NO. 1548-3, FAULKTON DAM: Ms. Dewell reported that Recognized Vested Water Right Claim 1548-3 is held by the South Dakota Department of Game, Fish, and Parks for 220 acre-feet of water annually to fill Lake Faulkton for public recreation purposes. Lake Faulkton is located approximately two miles west of Faulkton, 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 Claim No. 1548-3 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 Faulkton, the spillway elevation had not yet been determined. In October 2024 the Water Rights Program conducted a survey of Faulkton Dam, which determined a spillway elevation of 1,597.4 feet mean sea level (NAVD 88).



**DRAFT**

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 1597.4 feet mean sea level (NAVD 88) with the vested water right maintaining a priority date of January 1, 1936.

Motion by Comes, seconded by Dixon, to approve validation of Recognized Vested Water Right Claim No. 1548-3 for sufficient water annually to maintain the water level of Faulkton Dam's spillway elevation of 1597.4 feet mean sea level (NAVD 88) with the vested water right maintaining a priority date of January 1, 1936. 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 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 DEFERRAL RECOMMENDATION FOR WATER PERMIT APPLICATION NO.

8924-3, RICKY MILLER: Ron Duvall stated that included in the Board packet were a copy of the report on the application prepared by Kim Drennon, the Acting Chief Engineer's recommendation of deferral, and the Affidavit of Publication, which includes the public notice scheduling the hearing.

**DRAFT**

Water Permit Application No. 8924-3 proposes to appropriate 1.89 cubic feet of water per second (cfs) from one well to be completed into the Niobrara Aquifer for irrigation of 160 acres located approximately 13 miles north of Huron, SD.

Mr. Duvall stated that the Niobrara Aquifer underlies a significant area of eastern South Dakota, including all of Beadle County. In Beadle and Spink Counties there are two fully appropriated aquifers, the Tulare: East James Aquifer and the Tulare: Western Spink Hitchcock Aquifer. There are places where the Niobrara Aquifer is in direct contact with these fully appropriated aquifers, and there is no confining layer between those aquifers, such as the Pierre Shale, which does exist in places. A confining layer would prevent water, or at least greatly reduce the ability of water, from moving from one aquifer to another aquifer.

In regard to Water Permit Application No. 8924-3, based on the information the Water Rights Program has available, there is no confining layer between the Niobrara Aquifer and the Tulare: Western Spink Hitchcock Aquifer. That information is based on the well completion report filed with the application. Bedrock mapping of the aquifer has been done, and the lithologic log information is also available. Since there is no confining layer in this location, like the Pierre Shale, pumping of water from the Niobrara Aquifer could induce inflow from the Tulare: Western Spink Hitchcock Aquifer into the Niobrara Aquifer.

Mr. Duvall reiterated that the Tulare: Western Spink Hitchcock Aquifer is fully appropriated, and there are several applications for water from this aquifer that are being held at this time that would one day like to be approved. He noted that there are six other applications from the Niobrara Aquifer in this same general location, which the Water Management Board has deferred for the same reasons he is discussing today.

The Acting Chief Engineer recommended deferral of Application No. 8924-3 for up to two years for further study and to allow time for the applicant to retain a hydrogeologist or other qualified consultant to conduct a suitable aquifer performance test with analysis to determine if pumping from the Niobrara Aquifer in this area will induce recharge from the fully appropriated Tulare: Western Spink Hitchcock Aquifer. Mr. Duvall noted that inducing inflow from a fully appropriated aquifer presents beneficial use and public interest concerns for consideration by the Water Management Board.

The recommendation also includes a note that the consultant should consult with the Water Rights Program regarding the requirements for a suitable aquifer performance test. The recommendation also noted that the water quality in the Niobrara Aquifer may not be suitable for irrigation due to the high sodium adsorption ratio.

In Summary, Mr. Duvall stated that the Water Rights Program does not know if there is a connection between the aquifers, but if there is it raises concerns, and that is the reason the Acting Chief Engineer is recommending deferral pending completion of an aquifer performance test.

In response to a question from Mr. Comes, Mr. Duvall stated that an aquifer performance test is required, and the Water Rights Program is suggesting that a soil/water compatibility analysis be



completed. He noted that years ago, when the Department of Environment and Natural Resources was separate from the Department of Agriculture, a soil/water compatibility permit that was handled by the Department of Agriculture would need to be approved before the Department of Environment and Natural Resources could proceed with a water permit application and put the water to use. Those statutes were repealed long ago.

Chairman Hutmacher said his biggest fear is that the Niobrara Aquifer is lying beneath there, and it is going to be the lowest point, so it could drain the whole aquifer if you started pumping out of the Niobrara, the gravel has no capacity above there.

Motion by Freeman, seconded by Larson, to defer Water Permit Application No. 8924-3 for up to two years to allow time for the applicant to retain a hydrogeologist or other qualified consultant to conduct an aquifer performance test with analysis to determine if pumping from the Niobrara aquifer in this area will induce recharge from the Tulare: Western Spink Hitchcock Aquifer. A roll call vote was taken, and the motion carried unanimously.

ADJOURN: Motion by Freeman, seconded by Dixon, 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 July 9, 2025.

---

Water Management Board

# WATER MANAGEMENT BOARD MEETING

May 7, 2025

**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
2041-1	Rodney Benson	Saint Onge	LA	0.34 cfs	WDS/RWS	1 well – Madison	wi, wcr, 3 special
2042-1	Broken Bridge Ranch LLC	Sturgis	MD	No Add'l	IRR (90 acres)	Belle Fourche River	lf, iq, 1 special
2883-2	Rapid Valley Sanitary District	Rapid City	PE	69.3 AF	Transfer Use	Rapid Creek	7 special
2884-2	Rapid Valley Sanitary District	Rapid City	PE	109.69 AF	Transfer Use	Rapid Creek	7 special
2885-2	Rapid Valley Sanitary District	Rapid City	PE	147.8 AF	Transfer Use	Rapid Creek	7 special
8864-3	Big Sioux Community Water System	Egan	LK	300 AF	RWS	1 well – Big Sioux Northern Skunk Creek	wi, wcr, 2 special
8913-3	Dennis Wolff	Long Lake	MP	2.2 cfs	IRR (157 ac)	4 wells – McPherson Mgmt Unit	wi, wcr, iq
8914-3	Todd Heine	Vermillion	CL	1.11 cfs	IRR (54 acres)	1 well – Missouri Elk Point	wi, iq, 1 special
8915-3	Joe Arthur	South Shore	CD	1.67 cfs	IRR (160 ac)	2 wells – Antelope Valley	wi, wcr, iq
8916-3	City of Sioux Falls	Sioux Falls	MA	0.024 AF	Municipal	1 well – Big Sioux Southern Skunk Creek	wi, wcr, 3 special
8917-3	Bon Homme Hutterian Brethren	Tabor	BH	1.67 cfs	IRR (60 acres)	Missouri River	iq, 1 special
8918-3	Plainview Dairy, LLC.	Toronto	DU	1.33 cfs	COM	2 wells – Big Sioux Brookings	wi, wcr, 4 special
8920-3	Ralph & Lucille Marquardt	Yankton	CL	No Add'l	IRR (140 ac)	1 well – Missouri Elk Point	wi, iq
8921-3	Brian Curry	Elk Point	UN	1.78 cfs	IRR (160 ac)	1 well – Missouri Elk Point	wi, wcr, iq

## Future Use Reviews

No.	Name	Address	County	Amount Remaining in Reserve	Use	Source	Qualifications
3574A-3	Clay RWS	Wakonda	CL	1,000 AF	RWS	Missouri River	2 special
4798-3	City of Parker	Parker	TU	340 AF	MUN	Parker Centerville Aquifer	1 special
4817-3	South Lincoln RWS	Beresford	LN	1,448 AF	RWS	Dakota Aquifer	2 special
4860-3	City of Hoven	Hoven	PT	410 AF	MUN	Bowdle Aquifer	1 special
6512-3	City of Madison	Madison	LK	387 AF	MUN	Howard Aquifer	4 special



**Future Use Reviews**

No.	Name	Address	County	Amount Remaining in Reserve	Use	Source	Qualifications
4796-3	City of Sisseton	Sisseton	RB	1,607 AF	MUN	Veblen	2 special



**DEPARTMENT of AGRICULTURE  
and NATURAL RESOURCES**

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

**RECOMMENDATION OF ACTING CHIEF ENGINEER FOR FUTURE USE WATER PERMIT  
NO. 4796-3, City of Sisseton**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Acting Chief Engineer, Water Rights Program, Department of Agriculture and Natural Resources concerning Future Use Water Permit No. 4796-3, City of Sisseton, c/o Terry Jaspers, Mayor, 406 2<sup>nd</sup> Avenue West, Sisseton SD 57262.

The Acting Chief Engineer is recommending that Future Use Permit No. 4796-3 REMAIN in EFFECT for 1,607 acre-feet annually because 1) there is reasonable probability that there may be development of the water reserved under Permit No. 4796-3, 2) the city has demonstrated a reasonable need for the water reserved by Permit No. 4796-3, 3) the proposed use will be a beneficial use and 4) it is in the public interest.

Maintaining the effectiveness of Future Use Permit No. 4796-3 is subject to payment of the \$195.00 fee pursuant to SDCL 46-2-13(2) within 60 days of notice to the city after the Board hearing.

Mark Mayer, PE  
Director of Office of Water  
May 16, 2025



**CITY OF SISSETON**  
**406 2<sup>ND</sup> AVE. WEST**  
**SISSETON, SD 57262**  
**PHONE: (605) 698-3391 – FAX (605) 698-3271**

---

April 1, 2025

Ms. Rachel Rodriguez  
Water Rights Program SD-DANR  
523 East Capitol Ave  
Pierre, SD 57501-3182

RE: Future Use Water Permit No 4796-3  
City of Sisseton, SD

Dear Ms. Rodriquez,

The City of Sisseton requests that the Water Management Board retain its Future Use Water Permit No. 4796-3 of 1,607 acre-ft.

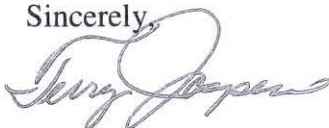
The following list shows the City's annual pumping records from the past three years:

	2022	2023	2024
Well I	102,209,855	52,296,492	53,551,021
Well V	28,606,808	67,047,960	50,408,132
Total	130,816,663 gal 401 acre-ft	119,344,452 gal 366 acre-ft	103,959,153 gal 319 acre-ft

The average acre-ft over the past three years is 362 acre-ft. The future water use reserve recommended by the Water Management board is twice the average annual use which would be a minimum of 724 acre-ft.

The population of the City of Sisseton has remained steady. Over the past three years there has been a decrease in water use of approximately 9% from 2022 to 2023 and 13% from 2023 to 2024. However, I don't expect this trend to continue as there were construction projects taking place that could contribute to the higher use in 2022-2023. The water use can be highly variable though, with weather playing a large roll on the summer season water use. New development by City endeavors and Tribal endeavors shows progress and increased future demands that the City will need to meet. When considering the existing facilities served and potential future development, the City of Sisseton requests to retain its current Future Water Use Permit in order to meet future demands. The existing permit reserves of 1,607 acre-ft would ensure that all future demands can be met.

Sincerely,



Terry Jaspers, Mayor

RECEIVED

APR 04 2025

OFFICE OF  
WATER

# LOCALiQ

Aberdeen News  
Watertown Public Opinion

PO Box 630567 Cincinnati, OH 45263-0567

## AFFIDAVIT OF PUBLICATION

Water Rights Program  
Water Rights  
523 E Capitol Ave  
Pierre SD 57501


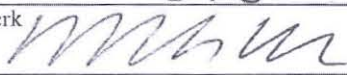
STATE OF SOUTH DAKOTA, COUNTY OF CODINGTON

The Watertown Public Opinion is, and during all the times hereafter mentioned was, a daily legal newspaper as defined in SDCL 17-2-2.1 through 17-2-2.4, as amended, published at Watertown, Codington County, South Dakota, by Watertown Public Opinion; that the notice, order or advertisement, a printed copy of which is attached, was published in said newspaper in the issue dated:

05/27/2025

and that the fees charged are legal.

Sworn to and subscribed before on 05/27/2025

  
\_\_\_\_\_  
Legal Clerk  
  
\_\_\_\_\_  
Notary, State of WI, County of Brown  
8.25.26

My commission expires

Publication Cost:	\$80.40	
Tax Amount:	\$0.00	
Payment Cost:	\$80.40	
Order No:	11330522	# of Copies:
Customer No:	1533360	1
PO #:		

**THIS IS NOT AN INVOICE!**

*Please do not use this form for payment remittance.*

MARIAH VERHAGEN  
Notary Public  
State of Wisconsin



NOTICE OF HEARING  
TO REVIEW FUTURE  
USE WATER PERMIT  
NO. 4796-3

Notice is given that the Water Management Board will review Future Use Permit No. 4796-3 held by the City of Sisseton, c/o Terry Jaspers, Mayor, 406 2nd Ave. W, Sisseton SD 57262 for progress made in the development of the water reserved by the Permit and future plans for development of the water reserved by Permit No. 4796-3. This permit was approved 1981 and currently reserves 1,607 acre-feet from groundwater wells less than 200 feet deep (Veblen Aquifer) located in the S 1/2 Section 1; Section 12, N 1/2 Section 13; all in T125N-R51W; SW 1/4 Section 31-T126N-R50W and the W 1/2 Section 6, NW 1/4 Section 7; both in T125N-R50W. The water is reserved for municipal use. Pursuant to SDCL 46-2A-2 the Acting Chief Engineer of the Water Rights Program recommends that Permit No. 4796-3 REMAIN in EFFECT for 1,607 acre-feet annually because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed use will be a beneficial use and 4) it is in the public interest. The Acting Chief Engineer's recommendation with qualifications is available at <https://danr.sd.gov/public> or contact Ron Duvall for this information, or other information, at the Water Rights Program address provided below.

The Water Management Board will conduct the hearing to review Future Use Permit No. 4796-3 on July 9, 2025, at 9:30 AM (Central Time), Floyd Matthew Training Center, Joe Foss Bldg, 523 E Capitol Ave., Pierre SD.

The recommendation of the Acting Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) allow the permit to remain in effect, 2) amend the permit by adding qualifications, 3) cancel the permit for no development or no planned future development, or 4) take no action after it reaches a conclusion based upon facts presented at the public hearing.

Any person who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, shall allege that the renewal of the future use permit, upon approval, will cause injury to the person that is unique from any injury suffered by the public in general. The injury must concern a matter either within the regulatory authority found in SDCL 46-2A-9 for approval or denial of the renewal, or other matter concerning the renewal within the regulatory authority of the board to act upon as defined by SDCL 46-2-9 and 46-2-11, or both. Any person meeting the petitioner requirements

and wishing to be a party of record in a contested case hearing shall file a written petition with BOTH the permit owner and the Acting Chief Engineer. A petition opposing the renewal shall be filed on a form provided by the Acting Chief Engineer. The petition form is available online at <https://danr.sd.gov/public> or by contacting the Acting Chief Engineer. The Acting Chief Engineer's address is "Water Rights Program", Joe Foss Building, 523 E Capital Ave, Pierre SD 57501" or call (605) 773-3352. The permit holder's mailing address is given above. If contesting the Acting Chief Engineer's recommendation, the permit owner shall also file a petition. A petition filed by either an interested person or the permit owner must be filed by June 6, 2025.

The petition shall be in writing and shall include a statement describing the unique injury upon renewal of the future use permit on the petitioner, the reasons for petitioner's opposition to renewal of the future use permit, and the name and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The hearing to review Future Use Permit No. 4796-3 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-38.1; Board Rules ARSD 74:02:01:25.01 thru 74:02:01:25.03; and contested case procedures contained in SDCL 1-26. This hearing is an adversary proceeding. The permit owner or any person, after filing a petition, has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose renewal of the Future Use Permit. The request for a delay must be filed with the Acting Chief Engineer by June 6, 2025.

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

<https://danr.sd.gov/public> or by calling (605) 773-3352 or writing the Acting Chief Engineer at the address provided above. Filing a comment does not make the commenter a party of record or a participant in any hearing that may be held. Any comment must be filed by June 6, 2025.

Notice is given to individuals with disabilities that



the meeting is being held in a physically accessible location. Individuals requiring assistive technology or other services in order to participate in the meeting or materials in an alternate format should contact Brian Walsh, Nondiscrimination Coordinator, by calling (605) 773-5559 or by email at Brian.Walsh@state.sd.us as soon as possible but no later than two business days prior to the meeting in order to ensure accommodations are available. Under SDCL 1-26-17(7) notices must state that "if the amount in controversy exceeds \$2,500.00 or if a property right may be terminated, any party to the contested case may require the agency to use the Office of Hearing Examiners by giving notice of the request to the agency no later than ten days after service of a notice of hearing issued pursuant to SDCL 1-26-17." This is a Notice of Hearing, service is being provided by publication, and the applicable date to give notice to the Acting Chief Engineer is June 6, 2025. However, since this particular matter is a future use permit renewal and not a monetary controversy in excess of \$2,500.00 or termination of a property right the Acting Chief Engineer disputes the applicability of this provision and maintains that the hearing must be conducted by the Board. Published on May 27, 2025 at the total approximate cost of \$80.40 and may be viewed free of charge at [www.sdpublicnotices.com](http://www.sdpublicnotices.com)

STATE OF SOUTH DAKOTA  
County of Roberts

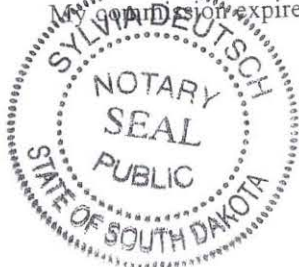
SS.

May 27, 2025;

Kavi N. Desai

May, A.D., 2025

Sylvia DeWick  
Notary Public, Roberts County, South Dakota  
My commission expires February 3, 2028



The time of the hearing will be

OFFICE OF  
WATER



automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose renewal of the Future Use Permit. The request for a delay must be filed with the Acting Chief Engineer by June 6, 2025.

Any interested person may file a comment on the future use permit renewal with the Acting Chief Engineer. The comment shall be filed on a form provided by the Acting Chief Engineer and is available online at <https://danr.sd.gov/public> or by calling (605) 773-3352 or writing the Acting Chief Engineer at the address provided above. Filing a comment does not make the commenter a party of record or a participant in any hearing that may be held. Any comment must be filed by June 6, 2025.

Notice is given to individuals with disabilities that the meeting is being held in a physically accessible location. Individuals requiring assistive technology or other services in order to participate in the meeting or materials in an alternate format should contact Brian Walsh, Nondiscrimination Coordinator, by calling (605) 773-5559 or by email at [Brian.Walsh@state.sd.us](mailto:Brian.Walsh@state.sd.us) as soon as possible but no later than two business days prior to the meeting in order to ensure accommodations are available.

Under SDCL 1-26-17(7) notices must state that "if the amount in controversy exceeds \$2,500.00 or if a property right may be terminated, any party to the contested case may require the agency to use the Office of Hearing Examiners by giving notice of the request to the agency no later than ten days after service of a notice of hearing issued pursuant to SDCL 1-26-17." This is a Notice of Hearing, service is being provided by publication, and the applicable date to give notice to the Acting Chief Engineer is June 6, 2025.

However, since this particular matter is a future use permit renewal and not a monetary controversy in excess of \$2,500.00 or termination of a property right the Acting Chief Engineer disputes the applicability of this provision and maintains that the hearing must be conducted by the Board.

Published once at the total approximate cost of \$62.25 and may be viewed free of charge at [www.sdpublicnotices.com](http://www.sdpublicnotices.com).

### CANCELLATIONS – July 9, 2025

Number RT/PE	Present Owner(s) & Other Persons Notified	Previous Owner	County	Amount C.F.S.	Use/ Acres	Reason	Source	Date Notified	Letters
-----------------	--	----------------	--------	------------------	---------------	--------	--------	------------------	---------

#### DIVISION II

PE 2732-2	Daniel & Paulette Fanning	N/A	BT	1.78	IRR 100ac	NC/FBU	1 well (OGLL)	6-2-2025	
PE 2733-2	Jason & Andrea Fanning	N/A	BT	1.78	IRR 100ac	NC/FBU	1 well (OGLL)	6-2-2025	
RT 705-2	Rudy & Susan Roth	George Lamm	HK	1.36	IRR 95.8ac	A/F	Grindstone Creek	6-2-2025	

#### DIVISION III

PE 2983-3	BKV Thorstenson Ranch LLLP c/o Vaughn Thorstenson	N/A	WL	1.93	IRR 135ac	A/F	1 well (G)	6-2-2025	
RT 5776-3	Meyerink Farms Inc. c/o Kyle Meyerink	N/A	CM	1.34	IRR 173ac	A/F	1 dugout, 2 holding ponds Pease Creek	6-2-2025	
PE 7694-3	Kim & Kevin Rechangel	Joseph Plucker	TU	1.56	IRR 33ac	NC/FBU	1 well (VWF)	6-2-2025	

#### ABBREVIATIONS

NC = NON-CONSTRUCTION	HK = HAAKON COUNTY	TU = TURNER COUNTY	COM = COMMERCIAL
REC = RECREATIONAL	WL = WALWORTH COUNTY	PE = WATER PERMIT	RT = WATER RIGHT
IRR = IRRIGATION	BT = BUTTE COUNTY	F = FORFEITURE	MUN = MUNICIPAL
FBU = FAILURE TO PLACE TO BENEFICIAL USE	CM = CHARLES MIX COUNTY	A = ABANDONMENT	IND = INDUSTRIAL





**DEPARTMENT of AGRICULTURE  
and NATURAL RESOURCES**

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

June 2, 2025

**NOTICE OF CANCELLATION**

TO: Daniel & Paulette Fanning, 28885 237<sup>th</sup> Ave, Martin SD 57551

FROM: Amanda Dewell, Permitting Administrator, Water Rights Program  
For Mark Mayer, PE, Director of Office of Water

SUBJECT: Cancellation of Water Permit Nos. 2732-2

Water Permit No. 2732-2 authorizes the diversion of 1.78 cubic feet of water per second from groundwater, one well (Ogallala Aquifer) for the irrigation of 100 acres located in portions of Section 31, T38N, R34W. After receiving your 2024 Irrigation Questionnaire, indicating "System Not Constructed", Water Rights Program staff contacted you to confirm whether the authorized system had been developed. The deadlines for construction completion and placement of water to beneficial use were March 9, 2020, and March 9, 2024, respectively. Your operator, Jason Fanning confirmed that the irrigation system had never been constructed and that you were agreeable to cancellation of the permit. The acting Chief Engineer of the Water Rights Program is recommending cancellation of Water Permit No. 2732-2 due to non-construction & failure to place water to beneficial use.

The Water Management Board will consider cancellation of Water Permit No. 2732-2 at **9:30 am, Wednesday, July 9, 2025 (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD *(the agenda time is an estimate, and the actual time of hearing may be later).*

The recommendation of the acting Chief Engineer is not final or binding upon the Board. The Board is authorized to 1) cancel, 2) cancel portions of, 3) delay action on, or 4) take no action on Water Permit No. 2732-2 based upon facts presented at the public hearing. Our records show you to be the owners of property covered by this water permit. If you wish to oppose the cancellation and if you intend to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, you must file a written petition with the acting Chief Engineer by June 12, 2025. The petition may be informal, but it must include a statement describing the reasons for your opposition to the cancellation, and your signature and mailing address or your legal counsel if legal counsel is obtained.

The hearing will be conducted pursuant to the provisions of SDCL 46-1-1 thru 46-1-10, 46-1-14 thru 46-1-15; 46-2-3.1, 46-2-9, 46-2-11, 46-2-17; 46-5-36, 46-5-37, 46-5-37.1; 46-2A-1 thru 46-2A-8; and Board Rules ARSD 74:02:01:36 thru 74:02:01:41. These are contested cases pursuant to procedures contained in SDCL 1-26.

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

The time of the hearing will be automatically extended for at least twenty days upon your written request to the acting Chief Engineer after a petition has been filed to oppose the cancellation. If an extension is requested, the hearing on the cancellation will be continued until the next regular Board Meeting. Any request for extension must be filed with the acting Chief Engineer by June 12, 2025.

Prior to June 12, 2025, contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) if assistance is needed with the following: 1) further information on the proposed cancellation; 2) to assure access to the meeting room for the handicapped; or 3) to obtain an interpreter for the hearing impaired.

According to SDCL 1-26-18.3, parties to a contested case may use the Office of Hearing Examiners to conduct a hearing if either a property right is being terminated or the dollar amount in controversy exceeds \$2,500.00. If you choose to use the Office of Hearing Examiners rather than the hearing procedure described above, then you need to notify the acting Chief Engineer (Water Rights Program, 523 E. Capitol Avenue, Pierre SD) by June 12, 2025.





**DEPARTMENT of AGRICULTURE  
and NATURAL RESOURCES**

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

**RECOMMENDATION OF ACTING CHIEF ENGINEER  
FOR WATER PERMIT NO. 2732-2, DANIEL & PAULETTE FANNING**

---

Pursuant to SDCL 46-2A-2 and 46-5-37.1, the following is the recommendation of the acting Chief Engineer, Water Rights Program, Department of Agriculture and Natural Resources concerning Water Permit No. 2732-2.

After receiving the 2024 Irrigation Questionnaire, indicating "System Not Constructed", Water Rights Program staff contacted the Fannings to verify whether the authorized system had been developed. Their operator, Jason Fanning, confirmed that the irrigation system had not been constructed and that all parties were agreeable to cancellation of this water permit. The deadlines for construction completion and placement of water to beneficial use were March 9, 2020, and March 9, 2024, respectively.

The acting Chief Engineer is recommending cancellation of the above water permit due to non-construction & failure to place water to beneficial use.

---

Amanda Dewell, Permitting Administrator, Water Rights Program  
For Mark Mayer, PE, Director of Office of Water  
June 2, 2025

---

**Note:**

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

---



**DEPARTMENT of AGRICULTURE  
and NATURAL RESOURCES**

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

June 2, 2025

**NOTICE OF CANCELLATION**

TO: Jason & Andrea Fanning, 28501 SD Hwy 73, Martin, SD 57751

FROM: Amanda Dewell, Permitting Administrator, Water Rights Program  
For Mark Mayer, PE, Director of Office of Water

SUBJECT: Cancellation of Water Permit No. 2733-2

Water Permit No. 2733-2, held by Jason and Andrea Fanning, authorizes the diversion of 1.78 cubic feet of water per second from groundwater, one well (Ogallala Aquifer) for the irrigation of 100 acres located in the NE ¼ Section 2, T37N, R53W. After receiving your 2024 Irrigation Questionnaire, indicating "System Not Constructed", Water Rights Program staff contacted you to confirm whether the authorized system had been developed. The deadlines for construction completion and placement of water to beneficial use were March 9, 2020, and March 9, 2024, respectively. You confirmed that the irrigation system had never been constructed and were agreeable to cancellation of the permit. The acting Chief Engineer of the Water Rights Program is recommending cancellation of Water Permit No. 2733-2 due to non-construction & failure to place water to beneficial use.

The Water Management Board will consider cancellation of Water Permit No. 2733-2 at **9:30 am, Wednesday, July 9, 2025 (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD (*the agenda time is an estimate, and the actual time of hearing may be later*).

The recommendation of the acting Chief Engineer is not final or binding upon the Board. The Board is authorized to 1) cancel, 2) cancel portions of, 3) delay action on, or 4) take no action on Water Permit No. 2733-2 based upon facts presented at the public hearing. Our records show you to be the owners of property covered by this water permit. If you wish to oppose the cancellation and if you intend to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, you must file a written petition with the acting Chief Engineer by June 12, 2025. The petition may be informal, but it must include a statement describing the reasons for your opposition to the cancellation, and your signature and mailing address or your legal counsel if legal counsel is obtained.

The hearing will be conducted pursuant to the provisions of SDCL 46-1-1 thru 46-1-10, 46-1-14 thru 46-1-15; 46-2-3.1, 46-2-9, 46-2-11, 46-2-17; 46-5-36, 46-5-37, 46-5-37.1; 46-2A-1 thru 46-2A-8; and Board Rules ARSD 74:02:01:36 thru 74:02:01:41. These are contested cases pursuant to procedures contained in SDCL 1-26.



June 2, 2025  
Water Permit No. 2733-2

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

The time of the hearing will be automatically extended for at least twenty days upon your written request to the acting Chief Engineer after a petition has been filed to oppose the cancellation. If an extension is requested, the hearing on the cancellation will be continued until the next regular Board Meeting. Any request for extension must be filed with the acting Chief Engineer by June 12, 2025.

Prior to June 12, 2025, contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) if assistance is needed with the following: 1) further information on the proposed cancellation; 2) to assure access to the meeting room for the handicapped; or 3) to obtain an interpreter for the hearing impaired.

According to SDCL 1-26-18.3, parties to a contested case may use the Office of Hearing Examiners to conduct a hearing if either a property right is being terminated or the dollar amount in controversy exceeds \$2,500.00. If you choose to use the Office of Hearing Examiners rather than the hearing procedure described above, then you need to notify the acting Chief Engineer (Water Rights Program, 523 E. Capitol Avenue, Pierre SD) by June 12, 2025.



**DEPARTMENT of AGRICULTURE  
and NATURAL RESOURCES**

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

**RECOMMENDATION OF ACTING CHIEF ENGINEER  
FOR WATER PERMIT NO. 2733-2, JASON & ANDREA FANNING**

Pursuant to SDCL 46-2A-2 and 46-5-37.1, the following is the recommendation of the acting Chief Engineer, Water Rights Program, Department of Agriculture and Natural Resources concerning Water Permit No. 2733-2.

After receiving the 2024 Irrigation Questionnaire, indicating "System Not Constructed", Water Rights Program staff contacted Mr. Fanning to verify whether the authorized system had been developed. Mr. Fanning confirmed that the irrigation system had not been constructed and that he was agreeable to cancellation of this water permit. The deadlines for construction completion and placement of water to beneficial use were March 9, 2020, and March 9, 2024, respectively.

The acting Chief Engineer is recommending cancellation of the above water permit due to non-construction & failure to place water to beneficial use.

Amanda Dewell, Permitting Administrator, Water Rights Program  
For Mark Mayer, PE, Director of Office of Water  
June 2, 2025

**Note:**

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





**DEPARTMENT of AGRICULTURE  
and NATURAL RESOURCES**

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

June 2, 2025

**NOTICE OF CANCELLATION**

TO: Rudy & Susan Roth, 22001 224<sup>th</sup> St, Philip, SD 57567

FROM: Amanda Dewell, Permitting Administrator, Water Rights Program  
For Mark Mayer, PE, Director of Office of Water

SUBJECT: Cancellation of Water Right No. 705-2

Water Right No. 705-2, held in the name of George Lamm, authorizes the diversion of 1.36 cubic feet of water per second from Grindstone Creek & tributaries of, for the irrigation of 95.8 acres located in portions of Section 4, T2N, R20E. After receiving a letter from Water Rights Program staff to clarify ownership of the land associated with this water right you contacted our office and confirmed that you are the current owner; however, irrigation practices have ceased, the works rendered inoperable, and that you were agreeable to cancellation of Water Right No. 705-2. The acting Chief Engineer of the Water Rights Program is recommending cancellation of Water Right No. 705-2 due to abandonment, forfeiture, or both.

The Water Management Board will consider cancellation of Water Right No. 705-2 at **9:30 am, Wednesday, July 9, 2025 (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD *(the agenda time is an estimate, and the actual time of hearing may be later)*.

The recommendation of the acting Chief Engineer is not final or binding upon the Board. The Board is authorized to 1) cancel, 2) cancel portions of, 3) delay action on, or 4) take no action on Water Right No. 705-2 based upon facts presented at the public hearing. Our records show you to be the owner of property covered by this water right. If you wish to oppose the cancellation and if you intend to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, you must file a written petition with the acting Chief Engineer by June 12, 2025. The petition may be informal, but it must include a statement describing the reasons for your opposition to the cancellation, and your signature and mailing address or your legal counsel if legal counsel is obtained.

The hearing will be conducted pursuant to the provisions of SDCL 46-1-1 thru 46-1-10, 46-1-14 thru 46-1-15; 46-2-3.1, 46-2-9, 46-2-11, 46-2-17; 46-5-36, 46-5-37, 46-5-37.1; 46-2A-1 thru 46-2A-8; and Board Rules ARSD 74:02:01:36 thru 74:02:01:41. These are contested cases pursuant to procedures contained in SDCL 1-26.

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

The time of the hearing will be automatically extended for at least twenty days upon your written request to the acting Chief Engineer after a petition has been filed to oppose the cancellation. If an extension is requested, the hearing on the cancellation will be continued until the next regular Board Meeting. Any request for extension must be filed with the Chief Engineer by June 12, 2025.

Prior to June 12, 2025, contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) if assistance is needed with the following: 1) further information on the proposed cancellation; 2) to assure access to the meeting room for the handicapped; or 3) to obtain an interpreter for the hearing impaired.

According to SDCL 1-26-18.3, parties to a contested case may use the Office of Hearing Examiners to conduct a hearing if either a property right is being terminated or the dollar amount in controversy exceeds \$2,500.00. If you choose to use the Office of Hearing Examiners rather than the hearing procedure described above, then you need to notify the acting Chief Engineer (Water Rights Program, 523 E. Capitol Avenue, Pierre SD) by June 12, 2025.





**DEPARTMENT of AGRICULTURE  
and NATURAL RESOURCES**

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

**RECOMMENDATION OF ACTING CHIEF ENGINEER  
FOR WATER RIGHT NO. 705-2, GEORGE LAMM**

Pursuant to SDCL 46-2A-2 and 46-5-37.1, the following is the recommendation of the acting Chief Engineer, Water Rights Program, Department of Agriculture and Natural Resources concerning Water Right No. 705-2.

Mr. and Mrs. Roth were contacted by the Water rights Program staff to identify ownership of the land associated with Water Right No. 705-2. Mr. Rudy Roth confirmed that they are the current owners; however, irrigation has ceased, and the works rendered inoperable. He was agreeable to cancellation of Water Right No. 705-2.

The acting Chief Engineer is recommending cancellation of the above water right due to abandonment, forfeiture, or both.

Amanda Dewell, Permitting Administrator, Water Rights Program  
For Mark Mayer, PE, Director of Office of Water  
June 2, 2025

**Note:**

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




**DEPARTMENT of AGRICULTURE  
and NATURAL RESOURCES**

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

June 2, 2025

**NOTICE OF CANCELLATION**

TO: BKV Thorstenson Ranch LLLP, c/o Vaughn Thorstenson, 12980 Cedar Rd, Selby, SD 57472

FROM: Amanda Dewell, Permitting Administrator, Water Rights Program  
For Mark Mayer, PE, Director of Office of Water 

SUBJECT: Cancellation of Water Permit No. 2983-3

Water Permit No. 2983-3, held by BKV Thorstenson Ranch LLLP, authorizes the diversion of 1.93 cubic feet of water per second from groundwater, one well (Grand Aquifer) for irrigation of 135 acres located in portions of the SW ¼, Section 11, T124N, R77W. Brian Begeman, the ranch's irrigation manager, spoke with Water Rights Program staff in regard to the cancellation of Water Permit No. 2983-3. Mr. Begeman confirmed that Water Permit No. 8454-3 had been developed in replacement of Permit No. 2983-3 for the irrigation of the same acreage and was agreeable to cancellation of Permit No. 2983-3. The acting Chief Engineer of the Water Rights Program is recommending cancellation of Water Permit No. 2983-3 due to abandonment, forfeiture, or both.

The Water Management Board will consider cancellation of Water Permit No. 2983-3 at **9:30 am, Wednesday, July 9, 2025 (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD *(the agenda time is an estimate, and the actual time of hearing may be later).*

The recommendation of the acting Chief Engineer is not final or binding upon the Board. The Board is authorized to 1) cancel, 2) cancel portions of, 3) delay action on, or 4) take no action on Water Permit No. 2983-3 based upon facts presented at the public hearing. Our records show you to be the owner of property covered by this water permit. If you wish to oppose the cancellation and if you intend to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, you must file a written petition with the acting Chief Engineer by June 12, 2025. The petition may be informal, but it must include a statement describing the reasons for your opposition to the cancellation, and your signature, and mailing address or your legal counsel if legal counsel is obtained.

The hearing will be conducted pursuant to the provisions of SDCL 46-1-1 thru 46-1-10, 46-1-14 thru 46-1-15; 46-2-3.1, 46-2-9, 46-2-11, 46-2-17; 46-5-36, 46-5-37, 46-5-37.1; 46-2A-1 thru 46-2A-8; and Board Rules ARSD 74:02:01:36 thru 74:02:01:41. These are contested cases pursuant to procedures contained in SDCL 1-26.



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

The time of the hearing will be automatically extended for at least twenty days upon your written request to the acting Chief Engineer after a petition has been filed to oppose the cancellation. If an extension is requested, the hearing on the cancellation will be continued until the next regular Board Meeting. Any request for extension must be filed with the acting Chief Engineer by June 12, 2025.

Prior to June 12, 2025, contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) if assistance is needed with the following: 1) further information on the proposed cancellation; 2) to assure access to the meeting room for the handicapped; or 3) to obtain an interpreter for the hearing impaired.

According to SDCL 1-26-18.3, parties to a contested case may use the Office of Hearing Examiners to conduct a hearing if either a property right is being terminated or the dollar amount in controversy exceeds \$2,500.00. If you choose to use the Office of Hearing Examiners rather than the hearing procedure described above, then you need to notify the acting Chief Engineer (Water Rights Program, 523 E. Capitol Avenue, Pierre SD) by June 12, 2025.



**DEPARTMENT of AGRICULTURE  
and NATURAL RESOURCES**

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

**RECOMMENDATION OF ACTING CHIEF ENGINEER  
FOR WATER PERMIT NO. 2983-3, BKV THORSTENSON RANCH LLLP**

Pursuant to SDCL 46-2A-2 and 46-5-37.1, the following is the recommendation of the acting Chief Engineer, Water Rights Program, Department of Agriculture and Natural Resources concerning Water Permit No. 2983-3

Water Rights Program staff recently spoke with Brian Begeman, the ranch's irrigation manager, regarding the cancellation of Water Permit No. 2983-3. Mr. Begeman confirmed that the property previously authorized for irrigation under Permit No. 2983-3 was now being irrigated under Permit No. 8454-3.

The acting Chief Engineer is recommending cancellation of the above water permit for abandonment, forfeiture, or both.

Amanda Dewell, Permitting Administrator, Water Rights Program  
For Mark Mayer, PE, Director of Office of Water  
June 2, 2025

**Note:**

Cancellation of Water Permit No. 2983-3 has no bearing on Permit No. 8454-3.





**DEPARTMENT of AGRICULTURE  
and NATURAL RESOURCES**

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

June 2, 2025

**NOTICE OF CANCELLATION**

TO: Meyerink Farms Inc., c/o Kyle Meyerink, 37119 279<sup>th</sup> St, Geddes, SD 57342

FROM: Amanda Dewell, Permitting Administrator, Water Rights Program  
For Mark Mayer, PE, Director of Office of Water

SUBJECT: Partial Cancellation of Water Right No. 5776-3

Water Right No. 5776-3, held by Meyerink Farms Inc., authorizes the diversion of 1.34 cubic feet of water per second from a small dugout on a tributary of Pease Creek into two holding ponds, for irrigation of 173 acres located in portions of Section 34, T99N, R67W and Section 3, T98N, R67W. After receiving your 2024 Irrigation Questionnaire, indicating irrigation had been abandoned, Water Rights Program staff contacted you to confirm the abandonment. You confirmed that irrigation is no longer taking place, but the ponds are maintained for livestock watering. You were agreeable to cancellation of the irrigation portion of Water Right No. 5776-3, allowing for reissuance of the water license for stock watering. The acting Chief Engineer of the Water Rights Program is recommending partial cancellation of Water Right No. 5776-3 due to abandonment, forfeiture, or both.

The Water Management Board will consider cancellation of Water Right No. 5776-3 at **9:30 am, Wednesday, July 9, 2025 (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD *(the agenda time is an estimate, and the actual time of hearing may be later)*.

The recommendation of the acting Chief Engineer is not final or binding upon the Board. The Board is authorized to 1) cancel, 2) cancel portions of, 3) delay action on, or 4) take no action on Water Right No. 5776-3 based upon facts presented at the public hearing. Our records show you to be the owner of property covered by this water right. If you wish to oppose the cancellation and if you intend to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, you must file a written petition with the acting Chief Engineer by June 12, 2025. The petition may be informal, but it must include a statement describing the reasons for your opposition to the cancellation, and your signature and mailing address or your legal counsel if legal counsel is obtained.

The hearing will be conducted pursuant to the provisions of SDCL 46-1-1 thru 46-1-10, 46-1-14 thru 46-1-15; 46-2-3.1, 46-2-9, 46-2-11, 46-2-17; 46-5-36, 46-5-37, 46-5-37.1; 46-2A-1 thru 46-2A-8; and Board Rules ARSD 74:02:01:36 thru 74:02:01:41. These are contested cases pursuant to procedures contained in SDCL 1-26.

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

The time of the hearing will be automatically extended for at least twenty days upon your written request to the acting Chief Engineer after a petition has been filed to oppose the cancellation. If an extension is requested, the hearing on the cancellation will be continued until the next regular Board Meeting. Any request for extension must be filed with the acting Chief Engineer by June 12, 2025.

Prior to June 12, 2025, contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) if assistance is needed with the following: 1) further information on the proposed cancellation; 2) to assure access to the meeting room for the handicapped; or 3) to obtain an interpreter for the hearing impaired.

According to SDCL 1-26-18.3, parties to a contested case may use the Office of Hearing Examiners to conduct a hearing if either a property right is being terminated or the dollar amount in controversy exceeds \$2,500.00. If you choose to use the Office of Hearing Examiners rather than the hearing procedure described above, then you need to notify the acting Chief Engineer (Water Rights Program, 523 E. Capitol Avenue, Pierre SD) by June 12, 2025.





**DEPARTMENT of AGRICULTURE  
and NATURAL RESOURCES**

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

**RECOMMENDATION OF ACTING CHIEF ENGINEER  
FOR WATER RIGHT NO. 5776-3, MEYERINK FARMS INC.**

Pursuant to SDCL 46-2A-2 and 46-5-37.1, the following is the recommendation of the acting Chief Engineer, Water Rights Program, Department of Agriculture and Natural Resources concerning Water Right No. 5776-3.

After receiving the 2024 Irrigation Questionnaire, indicating irrigation had been abandoned under Water Right No. 5776-3, Water Rights Program staff contacted Mr. Meyerink to confirm the abandonment. While it was confirmed that irrigation was no longer taking place on the property, the ponds are being maintained for livestock watering. Mr. Meyerink was agreeable to cancellation of the irrigation portion of Water Right No. 5776-3, and asked that the license be reissued for stock watering.

The acting Chief Engineer is recommending partial cancellation of the above water right due to abandonment, forfeiture, or both.

Amanda Dewell, Permitting Administrator, Water Rights Program  
For Mark Mayer, PE, Director of Office of Water  
June 2, 2025

**Note:**

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



**DEPARTMENT of AGRICULTURE  
and NATURAL RESOURCES**

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

June 2, 2025

**NOTICE OF CANCELLATION**

TO: Kevin and Kim Rechangal, 45481 275<sup>th</sup> St, Parker, SD 57053

FROM: Amanda Dewell, Permitting Administrator, Water Rights Program  
For Mark Mayer, PE, Director of Office of Water

SUBJECT: Cancellation of Water Permit No. 7694-3

Water Permit No. 7694-3, held by Joseph Plucker, authorizes the diversion of 1.56 cubic feet of water per second from groundwater, one well (Vermillion West Fork Aquifer) for irrigation of 33 acres located in the NE ¼ NE ¼ Section 16, T99N, R53W. On the 2024 Irrigation Questionnaire Mr. Plucker reported that the system had not been constructed and the property had been sold. The deadlines for construction completion and placement of water to beneficial use were April 15, 2018, and April 15, 2022, respectively. You were subsequently contacted by the Water Rights Program staff to verify ownership of the land associated with this water permit and the absence of irrigation. You confirmed that you are the current owners, no irrigation had been developed, and you were agreeable to cancellation of Water Permit No. 7694-3. The acting Chief Engineer of the Water Rights Program is recommending cancellation of Water Permit No. 7694-3 due to non-construction and failure to place water to beneficial use.

The Water Management Board will consider cancellation of Water Permit No. 7694-3 at **9:30 am, Wednesday, July 9, 2025 (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD *(the agenda time is an estimate, and the actual time of hearing may be later)*.

The recommendation of the acting Chief Engineer is not final or binding upon the Board. The Board is authorized to 1) cancel, 2) cancel portions of, 3) delay action on, or 4) take no action on Water Permit No. 7694-3 based upon facts presented at the public hearing. Our records show you to be the owner of property covered by this water permit. If you wish to oppose the cancellation and if you intend to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, you must file a written petition with the acting Chief Engineer by June 12, 2025. The petition may be informal, but it must include a statement describing the reasons for your opposition to the cancellation, and your signature and mailing address or your legal counsel if legal counsel is obtained.



The hearing will be conducted pursuant to the provisions of SDCL 46-1-1 thru 46-1-10, 46-1-14 thru 46-1-15; 46-2-3.1, 46-2-9, 46-2-11, 46-2-17; 46-5-36, 46-5-37, 46-5-37.1; 46-2A-1 thru 46-2A-8; and Board Rules ARSD 74:02:01:36 thru 74:02:01:41. These are contested cases pursuant to procedures contained in SDCL 1-26.

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

---

The time of the hearing will be automatically extended for at least twenty days upon your written request to the acting Chief Engineer after a petition has been filed to oppose the cancellation. If an extension is requested, the hearing on the cancellation will be continued until the next regular Board Meeting. Any request for extension must be filed with the acting Chief Engineer by June 12, 2025.

Prior to June 12, 2025, contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) if assistance is needed with the following: 1) further information on the proposed cancellation; 2) to assure access to the meeting room for the handicapped; or 3) to obtain an interpreter for the hearing impaired.

According to SDCL 1-26-18.3, parties to a contested case may use the Office of Hearing Examiners to conduct a hearing if either a property right is being terminated or the dollar amount in controversy exceeds \$2,500.00. If you choose to use the Office of Hearing Examiners rather than the hearing procedure described above, then you need to notify the acting Chief Engineer (Water Rights Program, 523 E. Capitol Avenue, Pierre SD) by June 12, 2025.

---



**DEPARTMENT of AGRICULTURE  
and NATURAL RESOURCES**

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

**RECOMMENDATION OF ACTING CHIEF ENGINEER  
FOR WATER PERMIT NO. 7694-3, JOSEPH PLUCKER**

Pursuant to SDCL 46-2A-2 and 46-5-37.1, the following is the recommendation of the acting Chief Engineer, Water Rights Program, Department of Agriculture and Natural Resources concerning Water Permit No. 7694-3.

Mr. and Mrs. Rechangel were contacted by the Water rights Program staff to confirm the absence of irrigation and change in ownership of the land associated with Water Permit No. 7694-3, which had been reported on the 2024 Irrigation Questionnaire by Mr. Plucker. Mrs. Kim Rechangel confirmed that they are the current owners, and that the irrigation system was not developed. She was agreeable to cancellation of Water Permit No. 7694-3. The deadlines for construction completion and placement of water to beneficial use were April 15, 2018, and April 15, 2022, respectively.

The acting Chief Engineer is recommending cancellation of the above water permit due to non-construction & failure to place water to beneficial use.

Amanda Dewell, Permitting Administrator, Water Rights Program  
For Mark Mayer, PE, Director of Office of Water  
June 2, 2025

**Note:**

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



CERTIFICATION

The undersigned hereby certifies under the penalty of perjury that I have personally deposited a true and correct NOTICE OF CANCELLATION dated June 2, 2025, into the United States Mail in Pierre, South Dakota, first class postage prepaid to the following Water Permit and Right holders on June 2, 2025.

**Water Permit No. 2733-2**

Jason Fanning  
28501 SD Hwy 73  
Martin, SD 57751

**Water Permit No. 2732-2**

Daniel & Paulette Fanning  
28885 237<sup>th</sup> Ave  
Martin SD 57751

**Water Permit No. 2983-3**

BKV Thorstenson Ranch LLLP  
c/o Vaughn Thorstenson  
12980 Cedar Rd  
Selby, SD 57472

**Water Permit No. 7694-3**


Kevin & Kim Rechangal  
45481 275<sup>th</sup> St  
Parker SD 57053

**Water Right No. 5776-3**

Meyerink Farms Inc  
c/o Kyle Meyerink  
37119 279<sup>th</sup> St  
Geddes, SD 57342


**Water Right No. 705-2**

Rudy & Susan Roth  
22001 224<sup>th</sup> St  
Philip, SD 57567

  
Shannon Konst  
Senior Secretary-Water Rights

STATE OF SOUTH DAKOTA            )  
  ) SS  
COUNTY OF HUGHES                )

Sworn to, before me, this 2<sup>nd</sup> day of June, 2025.

  
Rachel Rodriguez Notary Public  
My Commission expires May 16, 2029



# REPORT ON NON-IRRIGATION WATER USE REPORTING VIOLATIONS

June 26, 2025

On January 3, 2025, letters were mailed by first class mail to water permit/right holders to report their annual water for 2024. This mailing is based on a qualification on their water permit/right requiring reporting of the amount of water used during the year. The permit holders were given until January 31, 2025, to respond. The letter indicated their water usage could be reported either by a provided phone number or email address.

On February 25, 2025, and again on March 13, 2025, follow-up letters were mailed by first class mail to the outstanding permit/right holders who had not responded to the initial January request.

On May 23, 2025, a notice scheduling today's hearing, was mailed by first class mail to any permit/right holders not responding to previous attempts to obtain their annual water use. The Notice of Hearing advised the permit/right holders of the reporting qualification placed on their water permit/right pursuant to South Dakota Codified Law (SDCL) 46-1-14 and again requested their annual water use. The notice also indicated that the Water Management Board has the authority to pursuant to SDCL 46-1-12, 46-2-9, 46-2-11 and 46-2-17 to take the following actions:


- The permit(s) could be suspended or canceled in accordance with applicable provisions of SDCL 46-1-12;
- Postpone any action; or
- Take no action.

The Water Rights Program recommends the Board take the following action for those water permit/right holders who have not submitted their 2024 annual water use:

- Suspend the permits/rights (listed on attachment) for one-year effective August 1, 2025, unless the permit holders submit their 2024 annual water use prior to August 1, 2025.

For the listed permits/rights, this is their first violation, so the suspension period is one year.

Following the July 9<sup>th</sup> hearing, all permit/right holders will be sent a notice via certified mail informing them of the Board's action. If the Board follows the recommended action, the notice will also note submitting their annual water use no later than July 31, 2025, prevents the suspension from becoming effective.

  
for Rachel Rodriguez  
SD DANR, Water Rights Program



**NON-IRRIGATION ANNUAL REPORTING VIOLATIONS**  
**June 26, 2025**

Number RT/PE	Owner	Owner/Operator	County	Source	Violation
RT 7969-3	Bronson Custom Farms Inc., 14873 450th Ave, Ortley SD 57256	Kris Bronson	GT	Big Sioux: North Aquifer	1
PE 2804-2	Dougherty Cattle Company Inc., 28615 321 <sup>st</sup> Ave, Colome SD 57528	Herb Dougherty	TR	Dakota Aquifer	1
PE 2809-2	Ismore Investments LLC., 24941 American Center Rd, Custer SD 57730	Trystin Morales	CU	Crystalline Rock Aquifer	1
PE 1996-1	Dylan Gingras, 21919 Gingras Drive, Piedmont SD 57769		MD	Inyan Kara Aquifer	1
PE 8367-3	Hybrid Turkeys, 650 Riverbend Drive, Kitchener ON N2K3S	Jaye Stief	ED	Dakota Aquifer	1
PE 8368-3	Hybrid Turkeys, 650 Riverbend Drive, Kitchener ON N2K3S	Jaye Stief	ED	Dakota Aquifer	1
PE 8369-3	Hybrid Turkeys, 650 Riverbend Drive, Kitchener ON N2K3S	Jaye Stief	ED	Dakota Aquifer	1
PE 8372-3	Hybrid Turkeys, 650 Riverbend Drive, Kitchener ON N2K3S	Jaye Stief	ED	Dakota Aquifer	1
PE 8373-3	Hybrid Turkeys, 650 Riverbend Drive, Kitchener ON N2K3S	Jaye Stief	MP	Dakota Aquifer	1
PE 8374-3	Hybrid Turkeys, 650 Riverbend Drive, Kitchener ON N2K3S	Jaye Stief	ED	Dakota Aquifer	1
PE 8374-3	Hybrid Turkeys, 650 Riverbend Drive, Kitchener ON N2K3S	Jaye Stief	ED	Dakota Aquifer	1
PE 2841-2	HWY 79 LLC., 2700 W Main Street, Rapid City SD 57702	Patrick Hall	PE	Inyan Kara Aquifer	1

# WATER MANAGEMENT BOARD MEETING

## July 9, 2025

<b>Qualifications:</b>
wi - well interference
wcr -well construction rules
iq - irrigation questionnaire
lf - low flow

No.	Name	Address	County	Amount	Use	Source	Qualifications
-----	------	---------	--------	--------	-----	--------	----------------

### Water Permit Applications to be Considered as Scheduled

8903-3	City of Dell Rapids	Dell Rapids	MA	2,092 AF	MUN/FUTURE	Sioux Quartzite	3 special
--------	---------------------	-------------	----	----------	------------	-----------------	-----------

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

1876A-3	Glendale Hutterian Brethren	Frankfort	SP	No Add'l	IRR (272 acres)	1 well – Tulare: East James	wi, wcr, iq
2043-1	Leon Minor	Nisland	BU	No Add'l	IRR (110 acres)	Belle Fourche	lf, iq
2044-1	H2O Clear Solutions, LLC.	Flower Mound	TX	270 AF	WDS/COM	1 well – Madison	wi, wcr, 3 special
2886-2	Angostura Resort, LLC.	Rapid City	FR	149 AF	COM	3 wells – Madison	wi, wcr, 3 special
2887-2	Vintage Square Estates	Ft. Pierre	ST	0.78 cfs	IRR (30 acres)	1 well – Quaternary aged Alluvium	wi, wcr, iq, 1 special
3748A-3	Glendale Hutterian Brethren	Frankfort	SP	No Add'l	IRR (102 acres)	1 well – Tulare: East James	wi, iq
5601A-3	Matthew Van Buskirk	Hitchcock	BD	No Add'l	IRR (5 acres)	1 well – Tulare: Western Spink Hitchcock	wi, iq
5689A-3	Big Sioux Community Water System	Egan	LK	360 AF	RWS	1 well – Big Sioux: Northern Skunk Creek	wi, wcr, 2 special
8919-3	Tom Nuhsbaumer	Zell	HD	2.28 cfs	IRR (190.5 acres)	4 wells – Quaternary aged Alluvium	wi, wcr, iq
8922-3	Joint Well Field, Inc.	Toronto	BG	1,500 AF	RWS	3 wells – Big Sioux: Brookings	wi, wcr, 2 special
8923-3	Jon Bunkers	Chester	LK	No Add'l	IRR (80 acres)	2 wells – Big Sioux: Northern Skunk Creek	wi, iq, 1 special
8925-3	Double Down Farm	Sarasota	CL	2.35 cfs	IRR (165 acres)	1 well – Missouri: Elk Point	wi, iq
8926-3	Timothy Sorensen	Vermillion	CL	2.11 cfs	IRR (80 acres)	1 well – Missouri: Elk Point	wi, wcr, iq, 1 special
8927-3	Justin Thompson	Beresford	LN	1.56 cfs	IRR (80 acres)	2 wells – Brule Creek	wi, iq, 1 special
8928-3	Promises Kept	Sioux Falls	HM	1.97 cfs	IRR (240 acres)	1 well – Prairie Coteau	wi, iq, 1 special
8929-3	Olsen Family Farm	Beresford	UN	1.78 cfs	IRR (185 acres)	1 well – Brule Creek	wi, wcr, iq

(continued)



No.	Name	Address	County	Amount	Use	Source	Qualifications
8932-3	Nicholas Blake	Centerville	TU	1.78 cfs	IRR (120 acres)	1 well – Parker Centerville	wi, wcr, iq, 1 special
8933-3	Nicholas Blake	Centerville	LN	1.78 cfs	IRR (120 acres)	1 well – Upper Vermillion Missouri: South	wi, wcr, iq, 1 special
8934-3	Bluegill Inc.	Brookings	BG	0.10 cfs	COM	1 well – Big Sioux: Aurora	wi, wcr, 2 special
8935-3	Richard Hybertson	Beresford	TU	1.78 cfs	IRR (140 acres)	1 well – Upper Vermillion Missouri: South	wi, wcr, iq
8936-3	Nicholas Hybertson	Centerville	TU	1.34 cfs	IRR (45 acres)	1 well – Upper Vermillion Missouri: South	wi, wcr, iq, 1 special
8937-3	Thomas Wheeler	Raymond	CK	No Add'l	IRR (40 acres)	1 well – Altamont	wi, iq
8938-3	Alex & Ann Faulk	Aberdeen	HU	8.02 cfs	IRR (640 acres)	Missouri River	iq, 1 special
8939-3	Brandon Ritter	Mound City	CA	1.78 cfs	IRR (280 acres)	1 well – Grand	wi, wcr, iq
8940-3	Brandon Ritter	Mound City	CA	1.78 cfs	IRR (280 acres)	1 well – Grand	wi, wcr, iq
8941-3	Gary Jepsen	Gayville	YA	1.78 cfs	IRR (160 acres)	1 well – Missouri: Elk Point	wi, wcr, iq
8942-3	Plainview Dairy, LLC.	Toronto	DU	100 AF	COM	Peg Munky Run	lf, 5 special
8945-3	James Minor	Brookings	BG	No Add'l	IRR (80 acres)	1 well -Big Sioux: Brookings	wi, wcr, iq



**DEPARTMENT of AGRICULTURE  
and NATURAL RESOURCES**

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

**RECOMMENDATION OF ACTING CHIEF ENGINEER FOR WATER PERMIT  
APPLICATION NO. 8942-3, Plainview Dairy LLC**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Acting Chief Engineer, Water Rights Program, Department of Agriculture and Natural Resources concerning Water Permit Application No. 8942-3, Plainview Dairy LLC, 19218 473<sup>rd</sup> Avenue, Toronto SD 57268.

The Acting Chief Engineer is recommending APPROVAL of Application No. 8942-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing domestic water uses and water rights, 3) the proposed use is a beneficial use and 4) it is in the public interest as it pertains to matters of public interest within the regulatory authority of the Water Management Board with the following qualifications:

1. Low flows as needed for downstream domestic use, including livestock water must be by-passed.
2. Water Permit No. 8942-3 authorizes impoundment of runoff in a dugout and dam with a combined storage capacity of 4.3 acre-feet of water at the normal pool elevation and sufficient water annually to maintain the water level to the primary outlet elevations.
3. Water Permit No. 8942-3 is subject to compliance with requirements of the Department's Water Pollution Control Permit issued pursuant to SDCL 34A-2-36 or 34A-2-36.2 or 34A-2-112 or 34A-2-124 for concentrated animal feeding operations.
4. Water Permit No. 8942-3 is subject to compliance with all existing and applicable Water Management Board Rules including but not limited to:
  - a) Chapter 74:54:01 Ground Water Quality Standards,
  - b) Chapter 74:54:02 Ground Water Discharge Permit,
  - c) Chapter 74:51:01 Surface Water Quality Standards,
  - d) Chapter 74:51:02 Uses Assigned to Lakes,
  - e) Chapter 74:51:03 Uses Assigned to Streams, and
  - f) Chapter 74:52:01 through 74:52:11 Surface Water Discharge Provisions
5. The Permit holder must report to the Chief Engineer annually the amount of water pumped from storage.
6. Water Permit No. 8942-3 authorizes an annual diversion of up to 100 acre-feet of water.

See report on application for additional information.

Mark Mayer, PE  
Director of Office of Water  
May 16, 2025



*Report to the Chief Engineer*  
*Water Permit Application No. 8942-3*  
*Plainview Dairy LLC*  
*05/12/2025*

Water Permit Application No. 8942-3 proposes to appropriate up to 100 acre-feet (ac-ft) of water annually from unnamed tributaries of Peg Munky Run at a dairy operation located in the N  $\frac{1}{2}$  of Section 17, T113N-R49W. Runoff will be captured in a 0.7 ac-ft capacity dugout and a 3.6 ac-ft capacity storage dam, located respectively in the NW  $\frac{1}{4}$  NW  $\frac{1}{4}$  and the SW  $\frac{1}{4}$  NE  $\frac{1}{4}$  of Section 17, T113N-R49W. Water will be diverted from storage at a maximum instantaneous diversion rate of 0.222 cubic feet of water per second (cfs) for commercial use at a dairy operation. This site is located in Deuel County, approximately five miles northwest of Toronto, South Dakota.

Water Source: Runoff from unnamed tributaries of Peg Munky Run, which is a tributary to the Big Sioux River.

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

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

This report will address the availability of surface water runoff into a dugout and a dam from unnamed tributaries of Peg Munky Run, as well as whether the proposed appropriation can be developed without unlawful impairment of existing domestic water uses and water rights.

Description of Proposed Water Source

Peg Munky Run is a stream that headwaters in Deuel County, flowing generally southwest through a portion of Brookings County and then into the Big Sioux River. When the original survey of the region was being made, the early name of the creek was jokingly called "Pee Munky Run." Later the "Pee" was changed to "Peg," however on some maps the older spelling is retained (WPA, 1940). Peg Munky Run was estimated to have an annual outflow of 1,930 acre-feet with an average annual streamflow of 2.7 cfs (Kume, 1985).

This application proposes to collect surface water from two separate tributaries that flow into Peg Munky Run. The surface water will be collected with two structures: a dugout with a capacity of 0.7 ac-ft located in the NW  $\frac{1}{4}$  NW  $\frac{1}{4}$  of Section 17, and a storage dam with a capacity of 3.6 ac-ft located in the SW  $\frac{1}{4}$  NE  $\frac{1}{4}$  of Section 17, both in T113N-R49W. The capacities and dimensions of the structures were provided with the application by the design firm called Settje Agri Services and Engineering. This application proposes to appropriate no more than 100 ac-ft of water per year total from both storage structures combined.



From aerial imagery (FSA, 2025), it appears that Peg Munky Run may be dry during parts of the year, and its tributaries are dry draws that have intermittent flow depending on the season and conditions in any given year (Kume, 1985). The amount of runoff that is available for the dugout and the dam will vary from year to year depending on the quantity and temporal distribution of precipitation as well as the seasonal variations of evaporative loss directly from the pool surfaces.

#### Water Availability

The site plan provided with the applicant showed a map of the proposed dairy site, the locations of the two storage structures, and outlines of the estimated local watersheds for both capture sites (400 acres for the dugout and 300 acres for the dam). According to USGS Streamstats (2019), the drainage basin of the proposed dugout has an area of 0.65 square miles or approximately 416 acres. According to the site plan provided by Setje Agri Services, the proposed structures being built will re-route some of the natural flows of the watershed into the proposed dam, allowing for greater capture of surface runoff than if the buildings were not there. Therefore, the drainage basin of the proposed dam has an area of 0.66 square miles or approximately 422 acres.

The NRCS annual surface yield method for South Dakota was used to estimate the annual surface yield for the dugout and the dam proposed by this application (USDA-NRCS, 1984). This method estimates the volume of runoff which can be expected for a twelve-month period at certain annual exceedance probabilities using contributing drainage area, weighted soil cover complex number (runoff curve number, CN) determined by the proportions of hydrologic soil groups in the basins, and drainage basin locations on an isogram map. Assumptions made for this report using this method are that any soil that is split between two hydrologic soil groups take the lower infiltration group category, that the land for this watershed is categorized as “cultivated without conservation treatment” (USGS, 2021) and that the isogram map used was No. 2.5. The weighted curve number for both drainage basins was 88. The method does not account for groundwater baseflow into the tributaries and may be an underestimation of yield. The annual yields at the proposed dugout and dam are listed on **Table 1**. The exceedance probabilities describe the percentage of time (i.e., a probability of 0.5 means one out of every two years) that an annual yield volume is expected to be exceeded.

**Table 1.** Exceedance probabilities of total annual yield of surface runoff (USDA-NRCS, 1984) for the contributing drainage basins of the proposed dugout and dam (416 acres and 422 acres, respectively) (USGS, 2019).

<b>Exceedance Probability</b>	<b>Inches of annual surface yield per acre for dugout basin</b>	<b>Total annual surface runoff (ac-ft) for dugout</b>	<b>Total annual surface runoff (ac-ft) for dam</b>
0.8	1.01	35.0	35.5
0.5	1.92	66.6	67.5
0.2	3.97	137.6	139.6
0.1	5.43	188.2	191.0



By looking at monthly mean flow data for nearby Hidewood Creek, USGS Gage No. 06479640 (USGS, 2025), the annual yields for the dugout and the dam shown in Table 1 will not be evenly distributed throughout the year. According to local monthly mean streamgage data, the months of March, April, May, and June account for nearly 90% of the annual yield in this area.

The proposed dugout and dam would also collect water through direct precipitation and lose stored water due to evaporation. According to information submitted by the applicant, the surface area of the proposed dugout is to be 8,500 square feet, or approximately 0.19 acres. The surface area of the proposed dam is estimated to be approximately 0.6 acres (3.6 acre-feet storage capacity and a dam height of 6.0 feet). Brookings is located approximately 25 miles south of the site location and has comprehensive monthly precipitation and evaporation data (Poudyal, 2006; U.S. Climate Data, 2025). **Table 2** lists the estimated monthly volume of water loss from the surface area of the dugout and dam using Brookings climate data. The rate of evaporation from smaller lakes is greater than evaporation from larger lakes, so a reduction coefficient is necessary to convert pan evaporation to lake evaporation. The pan to lake coefficient commonly used is 0.7 (Poudyal, 2006).

**Table 2.** Estimated annual loss due to direct evaporation and precipitation from surface of dugout and dam, using data from Brookings, South Dakota (Poudyal, 2006; U.S. Climate Data, 2025).

Month	Average monthly evaporation (inches)	Pan to Lake Coefficient (0.7)	Monthly Precip. (1981-2010 normals) (inches)	Direct Precip - Evap (inches)	Estimated Monthly Loss for Dugout and Dam (acre-feet)
Jan	0.8	0.80	0.35	-0.45	-0.03
Feb	1.17	1.17	0.41	-0.76	-0.05
Mar	2.62	2.62	1.16	-1.46	-0.10
Apr	5.79	4.05	2.13	-1.92	-0.13
May	7.5	5.25	2.97	-2.28	-0.15
Jun	9.07	6.35	4.30	-2.05	-0.13
Jul	8.68	6.08	3.25	-2.83	-0.19
Aug	7.72	5.40	3.07	-2.33	-0.15
Sep	6.03	4.22	3.19	-1.03	-0.07
Oct	4.5	3.15	2.05	-1.10	-0.07
Nov	1.36	1.36	0.95	-0.41	-0.03
Dec	0.79	0.79	0.48	-0.31	-0.02
<b>Total (ac-ft)</b>					<b>-1.11</b>

Applying the estimated monthly evaporation losses and direct precipitation to the approximate surface areas of the proposed dugout and dam, the yearly loss of approximately one acre-foot (**Table 2**) and estimated monthly losses would not be enough to offset the estimated annual surface runoff from the drainage basins.

This application seeks to appropriate 100 acre-feet of water per year from captured surface water stored in two structures. Based on NRCS Method A to determine annual surface yield, there will be enough water flowing through the system over the course of a normal year (0.5 probability, **Table 1**) to satisfy this application. There may be years that water does not flow through the tributaries of Peg Munky Run or that there is not enough surface runoff to satisfy the requested 100 acre-feet per year.

### Potential for Unlawful Impairment

The only other water right/permit appropriating surface water located on or near Peg Munky Run is Water Right No. 8858-3, also held by Plainview Dairy LLC. Water Permit No. 8858-3 is not capturing runoff water from the watershed of the Peg Munky Run tributaries, but capturing runoff water from direct precipitation onto roof and drive surfaces.

There is a Location Notice No. 26688 that is located in the NW  $\frac{1}{4}$  NW  $\frac{1}{4}$  of Section 17, T113N-R49W and is near the proposed dugout for this application. That location notice is within the property of the dairy, and in the Water Permit file for Water Permit No. 8858-3 there is mention of an existing dam in the same area, which is likely the same dam that was filed for the location notice in 1965. There are no other location notices on or near the same tributaries of Peg Munky Run that this application proposes to capture runoff from (Water Rights, 2025a and 2025b). Any domestic uses below the same tributaries of Peg Munky Run are expected to be minimal, but do have preference over appropriative water permits such as this application. Approval of this permit is not expected to adversely impact any existing domestic uses or water rights/permits.

### Conclusions

1. This application proposes to appropriate up to 100 acre-feet (ac-ft) of water annually from unnamed tributaries of Peg Munky Run at a dairy operation located in the N  $\frac{1}{2}$  of Section 17, T113N-R49W. Surface runoff will be captured in a 0.7 ac-ft capacity dugout and a 3.6 ac-ft capacity storage dam, located respectively in the NW  $\frac{1}{4}$  NW  $\frac{1}{4}$  and the SW  $\frac{1}{4}$  NE  $\frac{1}{4}$  of Section 17, T113N-R49W.
2. Water will be diverted from the storage dugout and dam at a maximum instantaneous diversion rate of 0.222 cfs for year-round commercial use.
3. Using NRCS Method A to estimate the annual runoff volumes expected from the dugout and dam drainage basins, and incorporating direct precipitation and evaporative losses to the dugout and dam surface area, there is a reasonable probability that water is available during normal years to satisfy the annual request of 100 acre-feet of consumptive use.
4. Approval of this permit is not expected to adversely impact any existing domestic uses or water rights.
5. Flow as needed for domestic use, including livestock water and prior water rights must be bypassed.



Brittan R. Hullinger  
Natural Resource Engineer I  
SD DANR, Water Rights Program



## References

- FSA (Farm Service Agency) 2025. Aerial Photography of Deuel County, Years 2003-2023
- Kume, J. 1985. Water Resources of Deuel and Hamlin Counties, South Dakota. Water Resources Investigations Report 84-4069. U.S. Geological Survey. Huron, South Dakota.
- Poudyal, S. 2006. *Annual, Monthly and Daily Pan Evaporation Maps for the State of South Dakota*. Master's Thesis, South Dakota State University
- U.S. Climate Data. 2025. Brookings, South Dakota. <[usclimatedata.com](https://usclimatedata.com)> Accessed May 9, 2025
- USDA-NRCS. 1984. Engineering Field Manual—Annual Surface Yield (Method A). U.S. Department of Agriculture (USDA). Natural Resources Conservation Service (NRCS).
- USDA-NRCS. 2025. Web Soil Survey.  
<<https://websoilsurvey.nrcs.usda.gov/app/WebSoilSurvey.aspx>> Accessed May 9, 2025.
- USGS. 2019. U.S. Geological Survey StreamStats. <<https://streamstats.usgs.gov/ss/>> Accessed May 7, 2025
- USGS. 2021. U.S. Geological Survey National Land Cover Database (NLCD).
- USGS. 2025. Water Data for the Nation: U.S. Geological Survey National Water Information System database. <<https://waterdata.usgs.gov/nwis>> Accessed May 9, 2025.
- Water Rights, 2025a. Water Right/Permit Files. SD DANR Water Rights Program. Joe Foss Building. Pierre, South Dakota.
- Water Rights, 2025b. Location Notice Files. SD DANR Water Rights Program. Joe Foss Building. Pierre, South Dakota.
- WPA (Work Projects Administration). 1940. South Dakota Place-Names, Part III River and Creek Names. Compiled by Workers of the Writers' Program of the Works Projects Administration in the State of South Dakota. University of South Dakota. Vermillion, SD.



# AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA  
COUNTY OF DEUEL

Ken Reiste being first duly sworn, on oath says: That he is publisher of the Clear Lake Courier, a weekly newspaper published in the City of Clear Lake, Deuel County, South Dakota; that he has full and personal knowledge of all facts herein stated; that said newspaper is a legal newspaper as defined in SDCL 17-2-2.1 through 17-2-2.4 inclusive; that said newspaper has been published within the said County of Deuel and State of South Dakota, for at least one year next prior to the first publication of the attached public notice

Notice Of Application  
No.8942-3  
Plainview Dairy, LLC

paper in which the same was published, and which is hereto attached and made a part of this affidavit, was published in said newspaper for One successive week(s) to wit:


May 28,2025

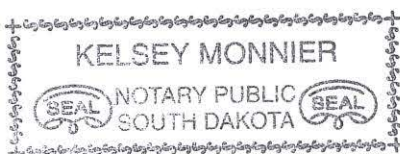
That the full amount of the fee charged for publication of the attached public notice insures to the sole benefit of the publisher; that no agreement or understanding for the division thereof has been made with any other person, and that no part thereof has been agreed to be paid to any person whomsoever; that the fees charged for the publication thereof are: \$46.51

  
Ken Reiste

Subscribed and sworn to before me

this 28<sup>th</sup> day of May, 2025

  
Notary Public, South Dakota  
My commission expires: 09-27-2027



## Public notice

NOTICE OF APPLICATION  
NO. 8942-3 to  
Appropriate Water

Notice is given that Plainview Dairy, LLC., 19218 473rd Avenue, Toronto SD 57268, has filed an application for a water permit to appropriate up to 100 acre-feet (ac-ft) of water annually from unnamed tributaries of Peg Munky Run at a dairy operation located in the N 1/2 Section 17-T113N-R49W. Runoff will be captured in a 0.7 ac-ft capacity dugout and 3.6 ac-ft capacity storage dam, located respectively in the NW 1/4 NW 1/4, SW 1/4 NE 1/4 Section 17-T113N-R49W. Water will be diverted from storage at a maximum instantaneous diversion rate of 0.222 cubic feet of water per second for commercial use at a dairy operation. This site is located approximately five miles northwest of Toronto SD.

Pursuant to SDCL 46-2A-2, the Acting Chief Engineer recommends APPROVAL of Application No. 8942-3 with qualifications because 1) unappropriated water is available, 2) existing domestic water uses and water rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest as it pertains to matters within the regulatory authority of the Water Management Board. The Acting Chief Engineer's recommendation with qualifications, the application, and staff report are available at <https://danr.sd.gov/public> or contact Ron Duvall for this information, or other information, at the Water Rights Program address provided below.

Any person interested in opposing this application or recommendation shall allege that the application, upon approval, will cause injury to the person that is unique from any injury suffered by the public in general. The injury must concern a matter either within the regulatory authority found in SDCL 46-2A-9 for approval or denial of the application, or other matter concerning the application within the regulatory authority of the board to act upon as defined by SDCL 46-2-9 and 46-2-11, or both. Any person meeting the petitioner requirements and wishing to be a party of record in a contested case hearing shall file a written petition to oppose the application with BOTH the applicant and Acting Chief Engineer. A petition opposing the application shall be filed on a form provided by the Acting Chief Engineer. The petition form is available online at <https://danr.sd.gov/public> or by contacting the Acting Chief Engineer. The Acting Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501" or call (605) 773-3352. The applicant's mailing address is given above. If contesting the Acting Chief Engineer's recommendation, the applicant shall also file a petition. A petition filed by either an interested person or the applicant must be filed by June 9, 2025.

The petition shall include a

RECEIVED

MAY 30 2025

OFFICE OF  
WATER

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

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

held. Any comment must be filed by June 9, 2025.

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

Published once at the approximate cost of \$46.51. (16-1/131)

This notice may be viewed free of charge at [sdpublicnotices.com](http://sdpublicnotices.com) maintained pursuant to § 17-2-1.



**Affidavit of Publication**

State of South Dakota

Exhibit "A"

ss

County of Brookings

Katherine Foiles of said county, first duly sworn, on oath, says: That she is the office clerk of THE BROOKINGS REGISTER, a daily newspaper, printed and published in the City of Brookings, in said County of Brookings, and State of South Dakota; that she has full and personal knowledge of the facts herein stated; that said newspaper is a legal newspaper and has a bona fide circulation of at least two hundred copies of each issue daily; that said newspaper has been published within the said County of Brookings and State of South Dakota, for more than one year prior to the first publication of Exhibit "A," hereto attached and herein mentioned, and was and is printed that the

**PUBLIC NOTICES**

**Legal 40027 1X  
5/28**

**NOTICE OF APPLICATION  
NO. 8942-3 TO  
APPROPRIATE WATER**

Notice is given that Plainview Dairy, LLC., 19218 473rd Avenue, Toronto SD 57268, has filed an application for a water permit to appropriate up to 100 acre-feet (ac-ft) of water annu-

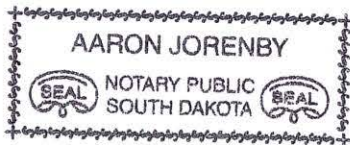
L40027 Notice of Application, Plainview Dairy

same was published, is hereto attached marked Exhibit "A"  
said newspaper for \_\_\_\_\_ 1 times, to-wit:

May 28, 2025

said Exhibit "A" inures to the sole benefit for the publishers of said newspaper; that no agreement or understanding for the division thereof has been made with any other person, and that no part thereof has been agreed to be paid to any person whomsoever; that the fees charged for the publication thereof are:

Forty-Seven Dollars and Ninety-One Cents \$47.91



*[Handwritten Signature]*

\_\_\_\_\_  
30 day of

May

2025  
*[Handwritten Signature]*

Notary Public in and for the County of Brookings, South Dakota.  
My Commission expires February 22, 2026

**RECEIVED**

**JUN 04 2025**

**OFFICE OF  
WATER**

ally from unnamed tributaries of Peg Munky Run at a dairy operation located in the N 1/2 Section 17-T113N-R49W. Runoff will be captured in a 0.7 ac-ft capacity dugout and 3.6 ac-ft capacity storage dam, located respectively in the NW 1/4 NW 1/4, SW 1/4 NE 1/4 Section 17-T113N-R49W. Water will be diverted from storage at a maximum instantaneous diversion rate of 0.222 cubic feet of water per second for commercial use at a dairy operation. This site is located approximately five miles northwest of Toronto SD. Pursuant to SDCL 46-2A-2, the Acting Chief Engineer recommends APPROVAL of Application No. 8942-3 with qualifications because 1) unappropriated water is available, 2) existing domestic water uses and water rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest as it pertains to matters within the regulatory authority of the Water Management Board. The Acting Chief Engineer's recommendation with qualifications, the application, and staff report are available at <https://danr.sd.gov/public> or contact Ron Duvall for this information, or other information, at the Water Rights Program address provided below.

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

be filed by June 9, 2025.

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

Any interested person may file a comment on the application with the Acting Chief Engineer. The comment shall be filed on a form provided by the Acting Chief Engineer and is available online at <https://danr.sd.gov/public> or by calling (605) 773-3352 or writing the Acting Chief Engineer at the address provided above. Filing a comment does not make the commenter a party of record or a participant in any hearing that may be held. Any comment must be filed by June 9, 2025.

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

Published 1X at the total approximate cost of \$47.91 and may be viewed free of charge at [www.sdpublicnotices.com](http://www.sdpublicnotices.com).



**From:** DANRnoreply <[DANRnoreply@state.sd.us](mailto:DANRnoreply@state.sd.us)>

**Sent:** Sunday, June 8, 2025 10:01 PM

**To:** Duvall, Ron <[Ron.Duvall@state.sd.us](mailto:Ron.Duvall@state.sd.us)>; Gronlund, Eric <[Eric.Gronlund@state.sd.us](mailto:Eric.Gronlund@state.sd.us)>; [amanada.dewell@state.sd.us](mailto:amanada.dewell@state.sd.us)

**Subject:** [EXT] Comment on No. 8942-3, Plainview Dairy, LLC

Please use caution in opening any attachments or clicking on any links.

This message was received from an external mail system, but has been made to appear as though originating from an internal State email address. If you are not expecting this message or are concerned about its content, please forward it to the [reportspam@state.sd.us](mailto:reportspam@state.sd.us) mailbox.

---

**Comment On:**

No. 8942-3, Plainview Dairy, LLC

**Comment Deadline Date:**

06/09/2025

**Date Comment Filed:**

06/08/2025 22:01:11

**Commenter Info:**

Troy Lenning  
47236 193rd St.  
Toronto SD, 57268

**Comment:**

I have a comment on the granting of Plainview Dairy to harvest water out of two tributaries of Peg Munky Run Creek. Both tributaries flow down to my property where I reside and converge before they flow under Interstate 29. The well which I use where I reside is about eight feet to the static water level and is located near the creek tributaries. By removing nearly 33,000,000 gallons annually from this watershed it will endanger the water capacity of this well. It will also remove fresh water recharge to the stock dam on my parents property which is also on this tributary along with the neighbors down stream who in some instances is the only water source in their pastures. With the additional manure production from this large dairy being applied to the land in this watershed and the removal of nearly 33,000,000 gallons of water annually I would anticipate the creek water and dams to become very stagnant in the heat of the summer. According to the report prepared by Ms Hullinger the dugout to be used is likely the one built in 1965. I would be curious to the water holding capacity after sixty years of silting and sedimentation.

**Attachment:**



**DEPARTMENT of AGRICULTURE  
and NATURAL RESOURCES**

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

**RECOMMENDATION OF CHIEF ENGINEER FOR FUTURE USE WATER PERMIT  
APPLICATION NO. 8903-3, City of Dell Rapids**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Agriculture and Natural Resources concerning Future Use Water Permit Application No. 8903-3, City of Dell Rapids, PO Box 10, Dell Rapids SD 57022.

The Chief Engineer is recommending APPROVAL of Application No. 8903-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the City of Dell Rapids has demonstrated a reasonable need to reserve water in the amount of 2,092 acre feet of water annually, 3) the proposed use is a beneficial use and 4) it is in the public interest with the following qualifications:

1. Future Use Permit No. 8903-3 reserves 2,092 acre-feet of water annually from the Sioux Quartzite Aquifer.
2. Future Use Permit No. 8903-3 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.

See report on application for additional information.

Eric Gronlund, Chief Engineer  
December 9, 2024

NOTE: Any application to place water to beneficial use reserved by this Future Use Permit may be subject to the City of Dell Rapids retaining a hydrogeologist or other qualified consultant to conduct a suitable aquifer performance test with analysis to determine if pumping from the Sioux Quartzite Aquifer will induce recharge from nearby aquifers that may be hydrologically connected to the Sioux Quartzite Aquifer. Inducing inflow from a hydrologically connected aquifer presents beneficial use and public interest concerns for consideration by the Water Management Board.



REPORT TO THE CHIEF ENGINEER  
ON  
WATER PERMIT APPLICATION NO. 8903-3  
FOR  
CITY OF DELL RAPIDS  
DECEMBER 9, 2024

Application No. 8903-3 proposes to appropriate and reserve for future use 2,092 acre-feet of water annually (ac-ft/yr) from the Sioux Quartzite aquifer. The future use area is within the S ½ Section 9, S ½ Section 10, Sections 15 and 16, N ½ Section 21, and N ½ Section 22; all in T104N-R49W in Minnehaha County. The water is to be reserved as a future water supply for municipal use by the City of Dell Rapids. If approved, this application does not authorize construction of works or application of water to beneficial use. This future use area is located on the south side of Dell Rapids, SD.

**AQUIFER: Sioux Quartzite (SOUX)**

**Aquifer Characteristics:**

The Sioux Quartzite is a Precambrian aged fine to coarse grained ortho-quartzite primarily composed of pink and red colored quartz sand cemented into a nonporous quartzite by silica (Baldwin, 1949; Martin et al., 2004). The Sioux Quartzite underlies portions of southeastern South Dakota, southwestern Minnesota, and northwestern Iowa (Tomhave, 1994; Southwick, 1984). Figure 1 shows the approximate extent of the Sioux Quartzite in southeastern South Dakota. The depth to the Sioux Quartzite can vary significantly over short distances as shown by mapping of the Precambrian surface done by McCormick (2010). The craggy and uneven surface of the Sioux Quartzite is a likely product of pre-glacial streams incising irregular valleys on the quartzite surface (Baldwin, 1949).

There is very limited or no primary porosity for most of the Sioux Quartzite, except in areas where the silica cement is not present due to weathering or non-deposition (Baldwin, 1949). In areas where there is secondary porosity and permeability features (e.g., fractures), water can be transmitted through secondary porosity and the Sioux Quartzite can be considered an aquifer. Any aquifer characteristics are site specific and highly variable due to the unpredictable and uneven nature of the fractures, faults, and joints that comprise secondary porosity. Determination of whether the Sioux Quartzite aquifer is a confined or unconfined aquifer is complicated, since the fractured nature of the quartzite and very low primary porosity means the portion of the quartzite overlaying a fracture can be the low permeability formation isolating the groundwater from the atmosphere. Therefore, a well completed into the Sioux Quartzite aquifer is likely to behave in a manner more consistent with a confined aquifer, even if the aquifer meets or is more similar to the definition of an unconfined aquifer.

The Sioux Quartzite has an estimated thickness ranging from less than 1,000 feet (Gries, 1983) to 3,000 feet (Baldwin, 1949). However, wells penetrating the Sioux Quartzite typically penetrate to a maximum depth of 200 feet or less. There are instances, particularly for appropriative users, where more than 400 feet of penetration into the Sioux Quartzite is required (Water Rights, 2024e; Lindgren and Niehus, 1992). The Sioux Quartzite is likely hydrologically connected to overlying

and adjacent aquifers and surface water features in direct contact with the quartzite. However, the extent of the hydrologic connections likely varies geographically and is not well understood (Lindgren and Niehus, 1992).

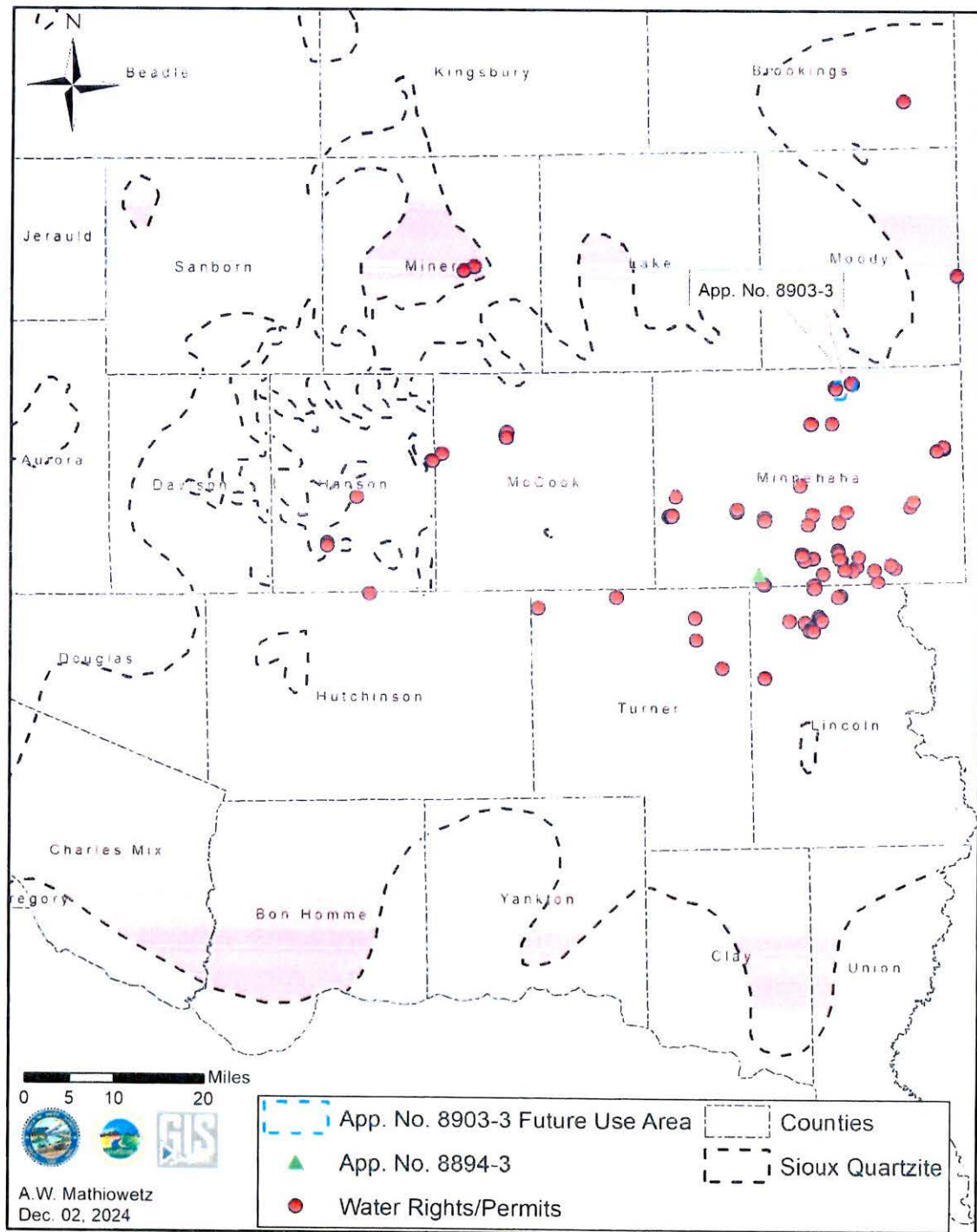


Figure 1- Approximate extent of the Sioux Quartzite in southeastern South Dakota (modified from: McCormick, 2010) with Sioux Quartzite water rights/permits and pending application (Water Rights, 2024d)



There are no well completion reports on file with the Water Rights Program within the boundaries of the proposed future use area (Water Rights 2024d). The water rights/permits within the future use area are for quarry dewatering and aggregate washing at the quarries and typically just pump out of the quarry directly and not from a well (Water Rights, 2024d). There are only eight lithologic logs within the boundaries of the proposed future use area (SDGS, 2024). Within 0.5 miles of the future use area, the top of the Sioux Quartzite is generally within 50 ft of land surface and within approximately 5 miles of the future use area the Sioux Quartzite typically is found near land surface but can be greater than 200 feet below land surface (SDGS, 2024; Water Rights, 2024e). The static water level of wells on file with the Water Rights Program within five miles of the proposed future use area, three in total, ranges from 32 to 58 feet below land surface (Water Rights, 2024e). However, based on the quarry construction and estimated water levels from areal imagery, the water level could be within 10 feet of land surface in areas, particularly closer to the Big Sioux River and the Big Sioux: Moody and Big Sioux: Sioux Falls aquifers that under lie the flood plain of the river (Lindgren and Niehus, 1992; Water Rights, 2024c, 2024d, and 2024e). The general conditions regarding whether the aquifer is confined or unconfined, discussed earlier, still hold true within the proposed future use area.

#### **APPLICABLE SOUTH DAKOTA CODIFIED LAW (SDCL):**

Pursuant to SDCL 46-2A-10, “A reservation for a future use may be approved only if there is a reasonable probability that unappropriated water is available for appropriation, that the quantity of water reserved will be needed by the entity and that the proposed use will be a beneficial use and in the public interest.” This report will address the availability of unappropriated water and if the water to be reserved will be needed by the entity. A discussion of water rights/permits and domestic wells in near the proposed future use area for this application will also be included.

In determining whether unappropriated groundwater is available from the Sioux Quartzite aquifer, SDCL 46-6-3.1 needs to be considered:

“No application to appropriate groundwater may be approved if, according to the best information reasonably available, it is probable that the quantity of water withdrawn annually from a groundwater source will exceed the quantity of the average estimated annual recharge of water to the groundwater source. An application may be approved, however, for withdrawals of groundwater from any groundwater formation older than or stratigraphically lower than the greenhorn formation in excess of the average estimated annual recharge for use by water distribution systems.”

The Greenhorn Formation is a Cretaceous aged Formation. The Sioux Quartzite is a Pre-Cambrian aged formation and thus older than the Greenhorn Formation (Fahrenbach et al, 2010). The applicant is a water distribution system as defined in SDCL 46-1-6(17). Therefore, the balance between recharge to and withdrawals from the Sioux Quartzite aquifer need not be considered for this application. However, for the information of the Chief Engineer and the Water Management Board, a review of information available regarding water availability will be discussed.



### **NEED FOR PROPOSED FUTURE USE RESERVATION:**

The City of Dell Rapids is currently receiving all of its drinking water from Minnehaha Community Water Corporation. The city is experiencing rapid growth as part of the City of Sioux Falls Metro area. Currently, the City of Dell Rapids holds Water Right No. 562-3 but only maintains the wells for standby purposes. Water Right No. 562-3 authorizes a diversion rate of 1.445 cfs. If pumped continuously, that is approximately 1,046 ac-ft/yr. Recently, the city received water service requests of approximately 1,680 ac-ft and are anticipating more. ARSD 74:02:04:24.01 allows the Water Management Board at its discretion to limit the future use reservation to two times the annual amount actually put to beneficial use. Considering these factors, this request would allow the city to fulfill current requests, maintain a secure backup water supply, and allow for modest growth beyond the current requests. The request to reserve 2,092 ac-ft/yr from the Sioux Quartzite is reasonable based upon this information.

### **WATER AVAILABILITY:**

#### Entire Sioux Quartzite Water Availability

#### **Observation Well and Other Water Level Data:**

Administrative Rule of South Dakota Section 74:02:05:07 requires that the Water Management Board shall rely upon the record of observation well measurements in addition to other data to determine that the quantity of water withdrawn annually from the aquifer does not exceed the estimated average annual recharge of the aquifer. The Water Rights Program does not maintain any observation wells completed into the Sioux Quartzite aquifer (Water Rights, 2024c). However, it is possible to consider water levels measured in wells completed into the Sioux Quartzite to determine general long-term trends of water levels in the area (Water Rights, 2024d).

There are only four wells on file with the Water Rights Program within approximately five miles of the applicant's future use area that are completed into the Sioux Quartzite (Water Rights, 2024d and 2024e). A summary of the four wells is shown in Table 1. Elevations in the table are based on the best available information and have a likely error of +/- 20 ft. The data in Table 1 is the name on file for the well completion report, year the well was drilled, the direction and distance from the applicant's proposed future use area, approximate land surface elevation in feet using the NGVD29 datum, elevation of the top of the Sioux Quartzite, and static water level (potentiometric surface) in the well at the time of completion.

Sioux Quartzite water levels across southeastern South Dakota show a correlation with long-term precipitation patterns (Lindgren and Niehus, 1992). However, there are too few wells in very close proximity to the applicant's proposed future use area, approximately five miles, as well as a lack of wells relatively equally spread across time (for example, no wells between 1981 and 2009), to provide a relatively detailed analysis of the generalized water level trend locally and, if that trend is likely linked to long-term precipitation patterns or localized pumping. Regardless, water levels in the Sioux Quartzite wells tend to be similar to directly hydrologically connected aquifers (adjacent or overlying). In this area, it appears the water levels are generally similar to the water levels of the shallow unconfined Big Sioux: Moody and Big Sioux: Sioux Falls aquifers underlying the floodplain of the Big Sioux River (Water Rights, 2024c and 2024e). Both of those aquifers can be in direct contact with the Sioux Quartzite (SDGS, 2024; Water Rights, 2024c and 2024e). Furthermore, Sioux Quartzite wells across southeastern South Dakota have water levels that follow the general climatic cycle of South Dakota with higher water levels during periods of greater



precipitation and lower water levels during periods of lesser precipitation. Considering the apparent local hydrologic connection to the Big Sioux: Moody and Big Sioux: Sioux Falls aquifers, and the more regionalized trend of the water levels in the Sioux Quartzite following precipitation patterns, it is clear the Sioux Quartzite does regularly receive recharge.

Table 1– Data points used to examine historic water levels in the Sioux Quartzite within five miles of the proposed future use area (Water Rights, 2024e)

Name	Year Drilled	Distance (mi.) & Direction from Future Use Area	Approx. Ground Surface Elev. (ft NGVD29)	Estimated Potentiometric Surface (ft NGVD29)	Approx. Elev. Of the Top of the Sioux Quartzite (ft NGVD29)
Terry Tommeraasen	1980	3.6 S	1,455	1,415	1,415
Mark Klein	2009	1.7 W	1,570	1,512	1,473
Jerald Weiland	2011	4.1 N	1,565	1,523	1,433
Daniel & Sophia Vander Dussen - Driftwood Dairy	2020	3.2 S	1,530	1,498	1,473

### Hydrologic Budget:

#### *Discharge*

Discharge from the Sioux Quartzite is through leakage to hydrologically connected aquifers and surface water features where the potentiometric surface of the Sioux Quartzite is higher than in the connected aquifer or surface water feature and through well withdrawals. Currently, there are 70 water rights/permits authorized to withdraw water from the Sioux Quartzite of which 59 are for non-irrigation purposes (Water Rights, 2022d). There is also one other pending application. Water Permit Application No. 8894-3 proposes to irrigate up to 23 acres. Because this application is for turf irrigation, it is assumed average annual withdrawal, if approved, will be the full appropriation of 2 feet of water per acre for a total of 46 ac-ft/yr. The City of Dell Rapids holds Water Right No. 562-3. Water Right No. 562-3 has portions that are vested rights, wells #1 and #2 authorizing a combined 0.888 cfs, and a standard water right, well #3 authorizing 0.557 cfs. That is a combined total under the water right of 1.445 cfs. If pumped continuously, which the math used to determine this requested future use reservation volume seems to be calculated off of, that would be 1,046 ac-ft/yr. However, the wells are currently on standby and are assumed to pump no water.

In general, the amount of water withdrawn for domestic uses is not a significant portion of the hydrologic budget for an aquifer. This is due to the relatively low diversion rate of domestic wells and the development of rural water systems, especially in southeastern South Dakota. This means some of the domestic wells completed into the Sioux Quartzite may no longer be in use. Therefore, the hydrologic budget will only consider appropriative usage from the aquifer.

There are six water rights/permits that include or are for quarry dewatering. These water rights/permits are listed in Table 2. Reported water use, for those permits required to report, is shown in Table 3. The reported data shows these water rights/permits typically use less than full time pumping at their respective maximum permitted diversion rates or their respective permitted

volumes. Water Right No. 8345-3 limits the annual use for both Water Right No. 5784-3 and itself to a combined total annual volume of 1,105 ac-ft/yr. The reported average from 2018 through 2023 is 525.1 ac-ft/yr. Since the period of reporting is only 5 years, the permitted volume, 1,105 ac-ft/yr, will be used for the hydrologic budget in this report (Water Rights, 2024f).

Water Right No. 4493-3 is not required to report annual use. However, it is for the same quarry as Water Right No. 6070-3. Water Right No. 6070-3 reports their annual use based on water discharge from the quarry (Kilts, 2020). Therefore, the reported use under Water Right No. 6070-3 is likely to be reflective of the use under both Water Right Nos. 4493-3 and 6070-3 (Kilts, 2020).

The average annual reported use by Water Right No. 5400-3 across the period of record, 2003-2023, is approximately 26.4 percent of the volume that would be pumped if the quarry was constantly dewatered at the maximum permitted diversion rate, 8,874 ac-ft/yr (Water Rights, 2022f). It should be noted, in general, reported pumping under Water Right No. 5400-3 has been increasing over the period of record. The average reported pumpage across the last 10 years, 2014-2023, is 2,515 ac-ft, and across the last 5 years, 2019-2023, is 2,565 ac-ft. To be prudent and use a reasonable average through a wet and dry cycle, the average across the last 10 years will be used for the estimated average annual withdrawal. Water Permit No. 8458-3 is assumed to pump their maximum permitted annual volume of 1,452 ac-ft/yr, since it was approved in early 2021 and only has three years of reported pumpage. Therefore, the estimated average annual use by quarry dewatering water rights/permits is 6,541 ac-ft/yr.

Table 2- Water rights/permits from the Sioux Quartzite that include quarry dewatering (modified from: Kilts, 2020; Water Rights, 2024d and 2024f)

Permit No.	Name	County	Status	Use	CFS	Annual Volume Limit (ac-ft/yr)	Est. Avg. Withdrawal (ac-ft/yr)
4493-3	SPENCER QUARRIES INC	HS	LC	COM	1.8	n/a	1,469
6070-3			LC	COM	3.1	n/a	
5400-3	L G EVERIST INC	MA	LC	IND	12.25	n/a	2,515
5784-3			LC	COM	3.33	limited by 8345-3	1,105
8345-3			LC	IND	3.36	1,105	
8458-3	KNIFE RIVER	MA	PE	IND	2	1,452	1,452
HS= Hansen, MA= Minnehaha, LC= Water Right, PE= Water Permit, COM= Commercial, IND= Industrial							



Table 3- Reported use for Sioux Quartzite permits for quarry dewatering (modified from: Kilts, 2020; Water Rights, 2024f)

Year	5400-3	5784-3 & 8345-3*	6070-3	8458-3**
2023	2,249	575.8	1,120	82.3
2022	2,161	511.2	1,120	56.5
2021	2,214	643.0	1,120	32.79
2020	2,766	484.3	1,120	n/a
2019	3,436	423	1,135	n/a
2018	2,767	513	1,120	n/a
2017	2,664	0	1,120	n/a
2016	2,557	1	1,120	n/a
2015	2,114	0	1,248	n/a
2014	2,222	0	1,120	n/a
2013	2,027	10	1,120	n/a
2012	2,309	10	1,111	n/a
2011	2,692	113	1,680	n/a
2010	2,752	132	1,690	n/a
2009	2,355	63	1,680	n/a
2008	2,115	70	1,680	n/a
2007	2,100	66	1,680	n/a
2006	2,101	0	2,190	n/a
2005	1,790	28	2,240	n/a
2004	1,801	640	2,190	n/a
2003	1,984	3	2,240	n/a
<b>Average (acre-feet)</b>	<b>2,342</b>	<b>204</b>	<b>1,469</b>	<b>n/a</b>
*8345-3 issued in 2018 and reports combined pumpage with 5784-3				
** Water Permit No. 8458-3 was approved in January 2021.				

A summary of the reported average withdrawals for the non-quarry dewatering, non-irrigation water rights/permits required to report annual withdrawals is shown in Table 4. The reported average annual withdrawal is 393.4 ac-ft/yr. It should be noted Water Right No. 8629-3 has yet to report withdrawals. However, only Water Right No. 6552A-3 has a sufficiently long period of record, 10+ years, to allow for a reasonable average through a wet/dry cycle to be used for estimation of average annual withdrawals. The column showing the permitted volume minus the reported average withdrawal clearly shows these users are withdrawing less than their permitted volume, particularly Water Right No. 8426-3, for each of the water rights/permits with less than 10 years of reported withdrawals. However, the most reasonable method to estimate average annual withdrawals would be to use the average reported for 6552A-3 and the permitted volume for the rest. Consequently, that is an estimated average annual withdrawal of 781.5 ac-ft/yr.

Table 4- Summary of reported withdrawals for non-quarry dewatering, non-irrigation water rights/permits and estimated annual withdrawals by average or permitted volume (Water Rights, 2024f)

Permit No.	Status	Years Reporting		Avg. Withdrawal (ac-ft/yr)	Permitted Vol. (ac-ft/yr)	Permitted Minus Avg. Reported (ac-ft/yr)	Est. Avg. Annual Withdrawal (ac-ft/yr)
6552A-3	LC	11	2013-2023	7.7	n/a	n/a	7.7
8068-3	PE	7	2017-2023	35.5	46	10.5	46*
8186-3	PE	8	2016-2023	24.2	55	30.9	55*
8243-3	LC	7	2017-2023	25.7	46.03	20.3	46.03*
8289-3	LC	7	2017-2023	20.1	36.3	16.2	36.3*
8290-3	LC	7	2017-2023	21.2	64.5	43.3	64.5*
8301-3	PE	7	2017-2023	32.7	61	28.3	61*
8344-3	LC	6	2018-2023	1.7	4.6	2.9	4.6*
8424-3	LC	4	2020-2023	35.6	62	26.4	62*
8426-3	LC	3	2021-2023	175.6	300	124.4	300*
8437-3	LC	3	2021-2023	13.6	18.4	4.8	18.4*
8629-3	LC	2	2022-2023	0	80	80	80*
LC= Water Right PE= Water Permit *= Permitted volume				<b>393.4</b>	<b>Reported Avg. Annual Withdrawal</b>		
						<b>Total Est. Avg. Annual Withdrawal</b>	<b>781.5</b>

Other non-irrigation water rights/permits limited by an annual volume are assumed to use the entire volume. Non-irrigation water rights/permits limited only by a diversion rate are assumed to pump at their maximum permitted diversion rate for 60 percent of the time. This is the standard method used by the Water Rights Program to somewhat overestimate average annual withdrawals. All of the municipalities that have Sioux Quartzite water rights/permits are connected to rural water and maintain their wells for standby/emergency purposes (Mathiowetz, 2021). Therefore, there is no use assumed under the 16 municipal water rights. The water rights/permits limited only by diversion rate, except Water Right No. 6552A-3 as discussed earlier, are estimated to withdraw on average 2,345 ac-ft/yr.

There are currently 11 water rights/permits authorized to withdraw water from the Sioux Quartzite aquifer for irrigation purposes or primarily for irrigation purposes (Water Rights, 2024d). A summary of the annual irrigation questionnaire data for these water rights/permits is shown in Table 5. Water Right Nos. 6451-3 and 6553-3 do not have a qualification to report annual irrigation use (Water Rights, 2024d). Water Right Nos. 6451-3 and 6553-3 are estimated to use less than their respective permitted volumes of 2 feet of water per acre for a combined estimated average annual use of less than 14 ac-ft/yr. That value is likely very high given that Water Right No. 6451-3 is qualified to only use water when the City of Sioux Falls has implemented water restrictions.

Water Right No. 5365-3 has not been required to submit irrigation questionnaires since 1995. This is due to the user having well issues and eventually being hooked up to city water. Water Permit Nos. 8445-3 and 8446-3 have only 1 year of reported data and are assumed to pump their full permitted volumes based on acres authorized for irrigation, 142 ac-ft/yr and 7 ac-ft/yr, respectively, until sufficient data is available to calculate an average pumping that is likely



reflective of full development for each permit. Water Permit No. 8547-3 was approved in December 2021. It authorizes the irrigation of 11.39 acres and is assumed to pump the full permitted amount of 2 ft of water per acre, 22.78 ac-ft/yr, until sufficient data is available to calculate average pumping that is likely reflective of full development for the permit. Water Permit No. 8898-3 was approved November 2024. The permit authorizes the irrigation of 28.5 acres. Because it is turf irrigation, it is assumed the permit will pump their permitted limit of 57 ac-ft/yr. The estimated average annual withdrawals for irrigation purposes were calculated using the above-mentioned values for those specific permits and the average reported withdrawals for the other permits for a total of 427.78 ac-ft/yr.

Table 5- Summary of irrigation water rights/permits and reported irrigation use from the Sioux Quartzite (Water Rights, 2024b)

PERMIT NO.	NAME	COUNTY	STATUS	ACRES	AVG. REPORTED USE (ac-ft/yr)	YEARS OF CONSTRUCTED SYSTEM DATA
5365-3	WILLOW WOOD APARTMENTS	MA	LC	1.5	1.2	6 (1990-1995)
6451-3	BLUFFS TOWNHOMES ASSOCIATION	MA	LC	3	no data	not reporting
6553-3	PRAIRIE HILLS COVENANT CHURCH	MA	LC	4	no data	not reporting
6618-3	WILLOW RUN GOLF LLC	MA	LC	71	82.9	18
6910-3	WOODLAWN CEMETERY	MA	LC	80	5.2	14
7415-3	BAKKER CROSSING GOLF COURSE	LN	LC	95	105.7	11
7805-3	CITY OF SIOUX FALLS PARK & RECREATION	MA	LC	8	4.0	11
8445-3	G L MANAGEMENT LLC	MA	PE	71	19.31	3
8446-3	BLUE BARN LLC	MA	PE	3.5	1.55	3
8547-3	L & E HOLDINGS LLC	MA	PE	11.39	0	2 (not constructed)
8898-3	GOOD SAMARITAN SOCIETY - FOUNDERS CROSSING	MA	PE	28.5	0	0 (permitted November 2024)
<b>Total</b>				<b>376.89</b>	<b>219.86</b>	
MA= Minnehaha, LN= Lincoln, LC= Water Right, PE= Water Permit						

Table 6 shows the estimated average annual use from the Sioux Quartzite. The current estimated use is 9,915 ac-ft/yr. If the two pending applications including this application are approved, the estimated average annual use from the Sioux Quartzite would be approximately 12,053 ac-ft/yr.

Table 6- Estimated average annual withdrawals from the Sioux Quartzite aquifer

<b>Estimated Use by Type</b>	<b>Estimated Avg. Annual Withdrawal (ac-ft/yr)</b>
Quarry Dewatering	6,451
Non-Quarry Reported Use or Permitted Volume	781.5
Non-Irrigation Limited by Diversion Rate	2,345
Irrigation	427.78
<b>Current Est. Use</b>	<b>10,005</b>
App No. 8894-3	46
Future Use App. No. 8903-3	2,092
<b>Total Est. Use if Apps. Approved</b>	<b>12,143</b>
City of Dell Rapids Water Right No. 562-3, if removed from standby and pumped continuously	1,046

Recharge to the Sioux Quartzite is predominantly through the infiltration of precipitation where the Sioux Quartzite is at land surface or near land surface and overlain by permeable materials, streamflow losses where the stream flows across outcrops with secondary porosity features, and leakage from overlying and adjacent aquifers where a hydrologically connected aquifer has a higher potentiometric head than the Sioux Quartzite (Lindgren and Niehus, 1992). A recharge rate to the Sioux Quartzite has yet to be quantified. Furthermore, and as previously stated, aquifer characteristics including recharge are site specific due to the unpredictable and uneven nature of secondary porosity features. Therefore, there is no reasonable estimate of average annual recharge to the Sioux Quartzite available. However, analysis of reported static water levels in well completion reports, suggest that withdrawals from the aquifer do not exceed the average annual recharge to the aquifer on a regional basis. Furthermore, pursuant to SDCL 46-1-6(17) the balance between recharge and withdrawals need not be considered for this application.

#### **Local Sioux Quartzite Water Availability**

Locally, within and adjacent to the proposed future use area, the locations of fractures and water in storage may make it challenging to obtain the requested amount of water from the Sioux Quartzite. While there are high capacity fractures and wells, in particular the “spring” in the east highwall of Spencer Quarry, see the permit file on Water Right No. 6070-3, these are atypical. Finding a fracture or fractures of sufficient size and transmissivity may limit the ability to fully develop the proposed volume for this future use application. Quarries, such as those permitted within the proposed future use area (see Figure 2) typically pump from the pit. A pit accumulates water from direct precipitation and multiple fractures which become exposed by the footprint of the pit. Quarries within the proposed future use boundary report pumping in excess of 2,500 ac-ft/yr on average, see Table 3 – Permit Nos. 5400-3, 5784-3, 8345-3, and 8485-3. Based on this information, it is likely recharge to the Sioux Quartzite in this area is in excess of withdrawals.



Consideration must be given to any well that may be placed in the floodplain or adjacent to the flood plain of the Big Sioux River if this future use application is approved and eventually developed. The portions of the proposed future use area located in the W ½ Sec. 16 and NW ¼ Sec. 21 all in T104N-R49W include portions of the Sioux Quartzite that directly underlie or are adjacent to the fully appropriated Big Sioux: Sioux Falls aquifer. The Big Sioux: Sioux Falls aquifer has a number of future use permits reserving water with temporary use permits placing a portion of the reserved water to beneficial use. Pumping from the Sioux Quartzite in close proximity to the aquifer may induce water to move from the Big Sioux: Sioux Falls aquifer into the Sioux Quartzite.

Inducement of recharge from a fully appropriated water was considered by Water Rights Program staff for several applications proposing to withdraw water from the Niobrara aquifer in Spink and Beadle counties. In that area, the Niobrara aquifer can directly underlie the fully appropriated Tulare: East James or Tulare: Western Spink Hitchcock aquifers or be separated by the Pierre Shale. It should be noted that neither of the Tulare aquifer management units have any future use permits reserving water. In the report for Deferred Permit No. 8749-3, Water Rights Program staff engineer Drennon (2023) stated:

“Consequently, pumping from the Niobrara aquifer may induce inflow from a fully appropriated management unit of the Tulare aquifer. Consequently, this may pose a beneficial use and public interest consideration for the Water Management Board which is beyond the technical review provided in this report. To aid in decision-making by the Board, the applicant should conduct an aquifer performance test monitoring both the Niobrara aquifer and the Tulare: Western Spink Hitchcock aquifer prior to approval of Water Permit Application Nos. 8749-3, 8750-3, 8751-3, and 8752-3 to determine whether pumping from the Niobrara aquifer under the local hydrogeologic conditions will induce inflow from the Tulare: Western Spink Hitchcock aquifer.”

The Chief Engineer’s recommendation for a number of the permits was deferral because it was not clear if there was a layer of Pierre Shale separating the Niobrara aquifer from the Tulare: Western Spink Hitchcock aquifer or based on a test hole log there was not a layer of Pierre Shale encountered. The deferral was for up to two years to allow the applicants to potentially conduct an aquifer performance test to determine if pumping from the Niobrara aquifer would induce recharge from the fully appropriated aquifers.

It was decided that inducement of recharge into the Niobrara aquifer from a fully appropriated aquifer should be considered under the beneficial use and public interest criteria used for evaluating whether to approve a water permit application. The same would likely hold true in this scenario if this future use application were approved and then an application filed to place the future use reservation to beneficial use. This issue may limit the ability to develop a portion of the proposed future use area as well as reduce the potential to obtain sufficiently high capacity wells to pump the volume proposed to be reserved by this application.



**NEARBY EXISTING WATER USERS:**

The nearest Sioux Quartzite appropriative water rights/permits to the proposed future use area are within the boundaries of the proposed future use area and are shown Figure 2 and listed in Table 7. There are several water rights within the boundaries of the proposed future use area including the applicant's own water right maintained for standby purposes. The nearest domestic well on file with the Water Rights Program completed into the Sioux Quartzite is located approximately 1.7 miles west of the proposed future use area (Water Rights, 2024e). The location of well completion reports is based on the location provided by the well driller when the completion report is submitted. Not all wells have a well completion report filed with the Water Rights Program. There may be other wells completed into the Sioux Quartzite in the area that are not on file with the Water Rights Program.

Table 7- Water Rights shown in Figure 2 (Water Rights, 2024d)

PERMIT NO.	NAME	PRIORITY DATE(s)	STATUS	USE	CFS	PERMITTED VOL. (ac-ft/yr)
562-3	CITY OF DELL RAPIDS	1938, 1943, 1961	LC*	MUN	1.445	n/a
5400-3	L G EVERIST INC	01/01/1915	LC	IND	12.25	n/a
5784-3	L G EVERIST	08/06/1993	LC	COM	3.33	n/a
8344-3	L G EVERIST INC	04/03/2018	LC	IND	0.022	4.6
8345-3	L G EVERIST INC	08/06/1993	LC	IND	6.69	1,105
8345-3	L G EVERIST INC	08/06/1993	LC	IND	6.69	1,105
8345-3	L G EVERIST INC	08/06/1993	LC	IND	6.69	1,105
LC= Water Right, IND= Industrial, COM= Commercial, *= portions of this water rights are vested rights and other portions are a standard water right						

When an application is filed to place water to beneficial use that is reserved by this application, if approved, an evaluation of the potential for unlawful impairment will be conducted based on the proposed well location. The Sioux Quartzite in general behaves similarly to a confined aquifer. In Minnehaha County approximately 12.4 miles south of the proposed future use area, a complaint was filed in 2018 regarding well interference that occurred starting in the late 1980's and continued until 1998 when the Soo Dell Park-A-Home, provided water under Water Right No. 5944-3, was hooked into the City of Sioux Falls water system. The complaint stated that the construction and use of the City of Sioux Falls' Big Sioux: Sioux Falls aquifer wells were affecting the Sioux Quartzite wells authorized under Water Right No. 5944-3. No complaint was filed during the years of the alleged interference. The 2018 complaint was primarily regarding whether Water Right No. 5944-3 was unlawfully impaired during the 1990's and was eligible to receive more preferential water rates from the city. The complaint was not substantiated (Water Rights, 2024a). A complaint was filed in 2021 regarding possible well interference caused by pumping under Water Permit No. 8426-3. This is located approximately 22 miles southwest of the proposed future use area. However, the complainant did not provide enough information regarding their own well to determine if there was any well interference or unlawful impairment of their well (Water Rights, 2024a).



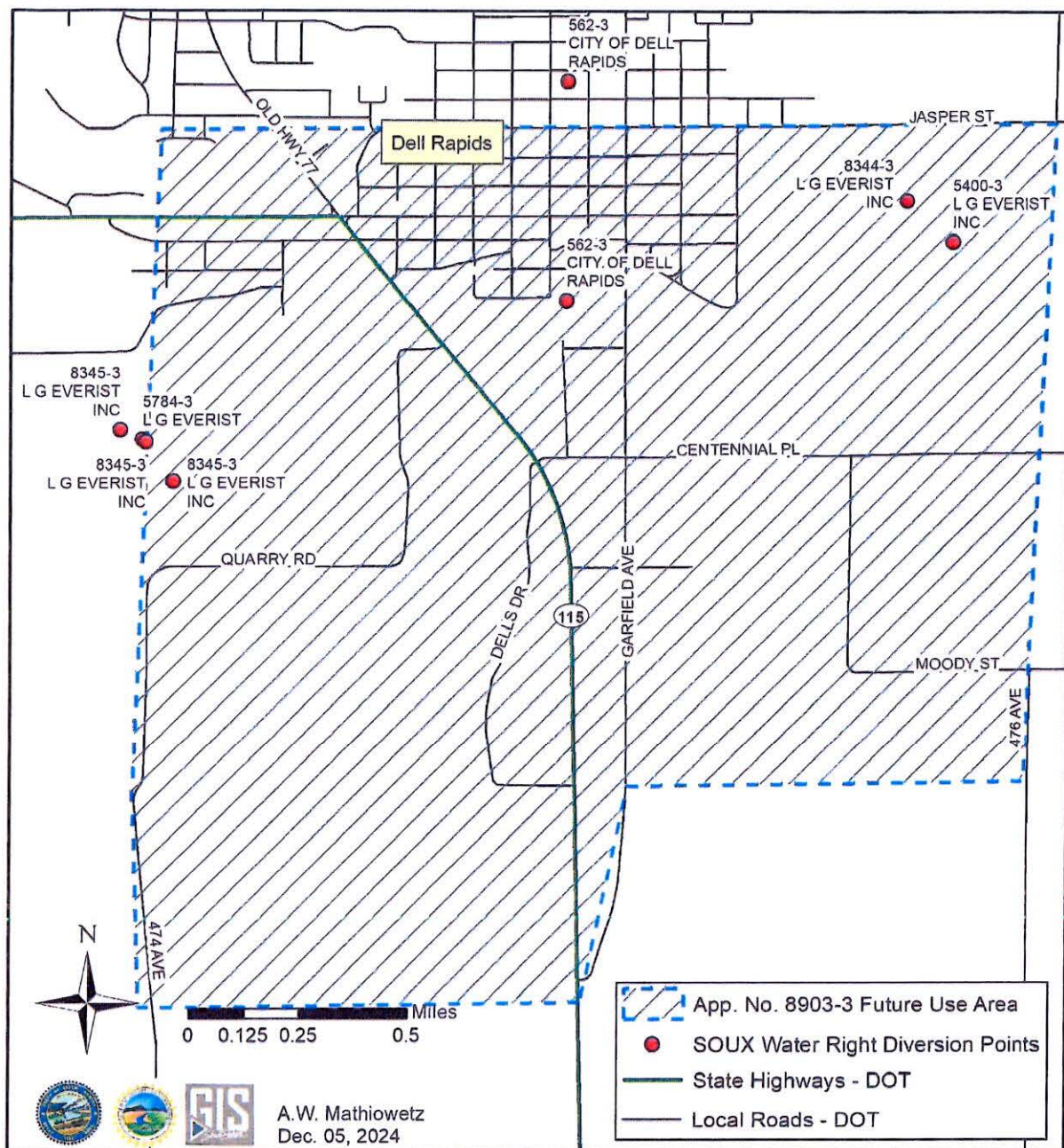


Figure 2- Application No. 8903-3 future use area map with nearby Sioux Quartzite water rights and local roads (Water Rights, 2024d)

## CONCLUSIONS:

1. Application No. 8903-3 proposes to appropriate and reserve for future use 2,092 acre-feet of water annually (ac-ft/yr) from the Sioux Quartzite aquifer. The future use area is within the S  $\frac{1}{2}$  Section 9, S  $\frac{1}{2}$  Section 10, Sections 15 and 16, N  $\frac{1}{2}$  Section 21, and N  $\frac{1}{2}$  Section 22; all in T104N-R49W in Minnehaha County. The water is to be reserved as a future water supply for municipal use by the City of Dell Rapids. If approved, this application does not authorize

construction of works or application of water to beneficial use. This future use area is located on the south side of Dell Rapids, SD.

2. The request to reserve 2,092 ac-ft/yr year is reasonable based on recent water requests and the city's current water rights.
3. Pursuant to SDCL 46-6-3.1 it is not necessary to determine if approval of this application will cause withdrawals to be in excess of average estimated annual recharge because the groundwater formation is older than the Greenhorn Formation and the applicant is a water distribution system pursuant to SDCL 46-1-6(17).
4. Review of the available hydrologic budget information indicates that recharge to the Sioux Quartzite is in excess of withdrawals on the regional scale and likely on the localized scale of the proposed future use area.



Adam Mathiowetz, PE  
SD DANR-Water Rights Program

#### **REFERENCES:**

- Baldwin, B. 1949. A Preliminary Report on Sioux Quartzite. South Dakota Geological Survey Report of Investigations No. 63. SDDANR Geological Survey. Vermillion, South Dakota.
- Drennon, K.C. 2023. Report to the Chief Engineer on Water Permit Application Nos. 8748-3, 8749-3, 8750-3, 8751-3, and 8752-3 Van Buskirk Farms, LLP. SD DANR-Water Rights Program. Pierre, SD.
- Fahrenbach, M.D., Steece, F.V., McCormick, K. A., McGillivray, G.L., Schulz, L.D. and Redden, J.A. 2010. South Dakota Stratigraphic Correlation Chart. South Dakota Geological Survey. Vermillion, SD.
- Gries, J.P. 1983. Geometry and Stratigraphic Relations of the Sioux Quartzite. Proceedings of the South Dakota Academy of Science, V. 62, p 64-74.
- Kilts, W.K. 2020. Report to the Chief Engineer Water Permit Application No. 8426-3 Dakota Line Dairy. SD DANR-Water Rights Program. Pierre, South Dakota.
- Lindgren, R.J. and Niehus, C.A. 1992. Water Resources of Minnehaha County, South Dakota. Water-Resources Investigations Report 91-4101. U.S. Geological Survey. Huron, SD.
- Martin, J.E., Sawyer, J.F., Fahrenbach, M.D., Tomhave, D.W., and Schulz, L.D. 2004. Geologic Map of South Dakota. General Map. 10. SDDANR Geological Survey. Vermillion, SD.



- McCormick, K.A. 2010. Elevation Contour Map of the Precambrian Surface of South Dakota. South Dakota Geological Survey General Map 11 Sioux Ridge inset, scale 1:160,000. SDDANR Geological Survey. Vermillion, South Dakota.
- SDGS. 2024. Lithologic Logs Database. Accessed: December 5, 2024.  
<<https://usd.maps.arcgis.com/apps/webappviewer/index.html?id=e54c5063b19c49629560a86a7be2eb3d>>. SD DANR-Geological Survey. Vermillion, SD.
- Southwick, D.L. 1984. Shorter Contributions to the Geology of the Sioux Quartzite (Early Proterozoic), Southwestern Minnesota. Report of Investigations 32. University of Minnesota. St. Paul, Minnesota.
- Tomhave, D.W. 1994. Geology of Minnehaha County, South Dakota. South Dakota Geologic Survey Bulletin 37. SDDANR Geological Survey. Vermillion, South Dakota.
- Water Rights. 2024a. County Files. SD DANR-Water Rights Program, Joe Foss Bldg., Pierre, South Dakota.
- Water Rights. 2024b. Irrigation Questionnaire Files. SD DANR-Water Rights Program, Joe Foss Bldg., Pierre, South Dakota.
- Water Rights. 2024c. Observation Well Files. SD DANR-Water Rights Program, Joe Foss Bldg., Pierre, South Dakota.
- Water Rights. 2024d. Water Right/Permit Files. SD DANR-Water Rights Program, Joe Foss Bldg., Pierre, South Dakota.
- Water Rights. 2024e. Well Completion Reports. SD DANR-Water Rights Program, Joe Foss Bldg., Pierre, South Dakota.
- Water Rights. 2024f. Non-irrigation Questionnaire Files. SD DANR-Water Rights Program, Joe Foss Bldg., Pierre, South Dakota.



South Dakota  
GANNETT

PO Box 630567 Cincinnati, OH 45263-0567

**AFFIDAVIT OF PUBLICATION**


DELL RAPIDS, CITY OF  
Dell Rapids, City Of  
Po Box 10  
Dell Rapids SD 57022-0010


STATE OF WISCONSIN, COUNTY OF BROWN

The Argus Leader, a daily newspaper published in the city of Sioux Falls, Minnehaha County, State of South Dakota, and personal knowledge of the facts herein state and that the notice hereto annexed was Published in said newspapers in the issue:

12/19/2024

and that the fees charged are legal.  
Sworn to and subscribed before on 12/19/2024

  
\_\_\_\_\_  
Legal Clerk

  
\_\_\_\_\_  
Notary, State of WI, County of Brown

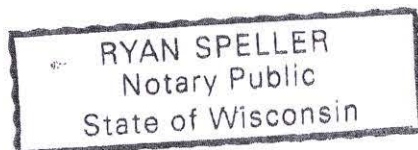
10-25-26

My commission expires

Publication Cost:	\$58.43	
Tax Amount:	\$0.00	
Payment Cost:	\$58.43	
Order No:	10847140	# of Copies:
Customer No:	1248720	1
PO #:		

**THIS IS NOT AN INVOICE!**

*Please do not use this form for payment remittance.*





NOTICE OF  
APPLICATION NO. 8903-3  
to Reserve Water for  
Future Use

Notice is given that the City of Dell Rapids, PO Box 10, Dell Rapids SD 57022, has filed an application for a future use water permit. Application No. 8903-3 proposes to appropriate and reserve for future use 2,092 acre-feet of water annually from the Sioux Quartzite Aquifer. The area to be reserved for future diversions is within the S 1/2 Section 9, S 1/2 Section 10, Sections 15 and 16, N 1/2 Section 21, N 1/2 Section 22; all in T104N-R49W. The water is to be reserved as a future water supply for municipal use by the City of Dell Rapids in Minnehaha County. If approved, this application does not authorize construction of works or application of water to beneficial use. This future use area is located on the south side of Dell Rapids SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8903-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the City of Dell Rapids has demonstrated a reasonable need to reserve water in the amount of 2,092 acre feet of water annually, 3) the proposed use is a beneficial use and 4) it is in the public interest. The Chief Engineer's recommendation with qualifications, the application, and staff report are available at <https://danr.sd.gov/public> or contact Ron Duvall for this information, or other information, at the Water Rights Program address provided below.

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

cant's mailing address is given above. If contesting the Chief Engineer's recommendation, the applicant shall also file a petition. A petition filed by either an interested person or the applicant must be filed by January 2, 2025.

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

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

<https://danr.sd.gov/public> or by calling (605) 773-3352 or writing the Chief Engineer at the address provided above. Filing a comment does not make the commenter a party of record or a participant in any hearing that may be held. Any comment must be filed by January 2, 2025.

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

Published once at the total approximate cost of \$58.43 and may be viewed free of charge at [www.sdpublicnotices.com](http://www.sdpublicnotices.com).





DEPARTMENT of AGRICULTURE  
and NATURAL RESOURCES

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

## Petition

### Opposing Application for a Water Right Permit

Application No. 8903-3 Name of Applicant City of Dell Rapids

The Application No. and applicant's name can be found in the public notice at <https://danr.sd.gov/public>.

**Note.** According to South Dakota Codified Law section 46-2A-4(5), all the following information is required.

**Describe the unique injury approval of this application will have upon you.**

See attached letter.

**List the reasons for your opposition to this application.**

See attached letter.

RECEIVED

DEC 31 2024

OFFICE OF  
WATER

**Provide name and mailing address of the person filing this petition or the petitioner's legal counsel.**

First Name: Scott Last Name: Buss

Mailing Address: 47381 248<sup>th</sup> St

City: Dell Rapids State: SD Zip: 57022

**Optional contact information.** Phone: 605 201 5975 Email: mcwcc@siouxvalley.net

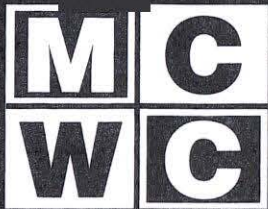
**Note.** This petition needs to be submitted via mail or personally served upon Water Rights no later than the deadline date provided in the public notice. The mailing address is provided above and should be sent to "Attention - Water Rights Program." A copy of this petition also needs to be mailed to, or personally served upon, the applicant whose mailing address is provided in the public notice.

Application No. \_\_\_\_\_

Petitioner's Name \_\_\_\_\_

**Any additional description of the unique injury or reasons for opposing this application:**





# MINNEHAHA COMMUNITY WATER CORP.

47381 248<sup>th</sup> St.  
Dell Rapids, SD 57022

Phone : 605-428-3374  
Fax : 605-428-3395  
Web : [www.minnehahacommunitywater.com](http://www.minnehahacommunitywater.com)  
Email : [mcwcbilling@siouxvalley.net](mailto:mcwcbilling@siouxvalley.net)

December 27, 2024

Eric Gronlund, Chief Engineer  
Water Rights Program  
Foss Building  
523 E Capitol  
Pierre, SD 57501

Dear Mr. Gronlund,

I am writing to file a Petition of Opposition to Application 8903-3 from the City of Dell Rapids. This application requests to appropriate and reserve a future use of 2,092 acre-ft of water annually from the Sioux Quartzite Aquifer. Minnehaha Community Water Corporation believes that the withdrawal of an additional 2,092 acre-ft of water from the area south of the City of Dell Rapids, as described in their application, will have a unique and detrimental effect on MCWC's existing permitted wells and the recharge of the Sioux Falls Management Unit of the Big Sioux Aquifer. Consequently, any injury sustained by MCWC will also hurt those who rely on MCWC for water.

MCWC currently operates three wells in the NW ¼ NE ¼ Section 17 Township 104 N Range 49 W, under permit 6455-3. The wells are located approximately 1,300 feet from the western edge of the future use area identified in the subject application. Quartzite in the location can be found exposed in the bottom of the river. This area has been identified by the State of South Dakota as being part of the Sioux Falls management unit of the Big Sioux aquifer, suggesting a direct connection between the Big Sioux Aquifer and the Sioux Quartzite Aquifer.

The Big Sioux River flows directly through the future use area described in the application, and the big Sioux River is a primary source of recharge for the Sioux Falls Management Unit of the Big Sioux Aquifer. MCWC depends on the aquifer as a source of drinking water for the citizens of Minnehaha County. The report on the application acknowledges that pumping water in close proximity to the aquifer may induce water to move from the Big Sioux Aquifer into the Sioux Quartzite. Allowing an additional 2,092 acre-ft of water to be used from the Sioux Quartzite Aquifer may reduce the recharge and water available in the fully appropriated Big Sioux Aquifer.

Under South Dakota law, any application for a permit must meet the following conditions: (1) reasonable probability that unappropriated water is available for the requested use; (2) no impairment of existing water rights; (3) service of a beneficial use; and (4) furtherance of the public interest. At this time, MCWC believes the Application does not contain sufficient information to establish several of the required criteria. MCWC believes that action on Application 8903-3 should

**RECEIVED**

**DEC 31 2024**

**OFFICE OF  
WATER**

be deferred until more information on the source and recharge of Sioux Quartzite water can be determined.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Scott J Buss". The signature is fluid and cursive, with the first name "Scott" and last name "Buss" clearly legible.

Scott J Buss  
Executive Director

Cc: Steve McFarland, City Administrator, City of Dell Rapids

RECEIVED

DEC 31 2024

OFFICE OF  
WATER



## Duvall, Ron

---

**From:** DANRnoreply <DANRnoreply@state.sd.us>  
**Sent:** Tuesday, December 31, 2024 11:34 AM  
**To:** Duvall, Ron; Gronlund, Eric; amanada.dewell@state.sd.us  
**Subject:** [EXT] Comment on No. 8903-3, City of Dell Rapids, c/o Steve McFarland

Please use caution in opening any attachments or clicking on any links.

This message was received from an external mail system, but has been made to appear as though originating from an internal State email address. If you are not expecting this message or are concerned about its content, please forward it to the [reportspam@state.sd.us](mailto:reportspam@state.sd.us) mailbox.

---

### Comment On:

No. 8903-3, City of Dell Rapids, c/o Steve McFarland

### Comment Deadline Date:

01/02/2025

### Date Comment Filed:

12/31/2024 11:33:40

### Commenter Info:

Chris Myers  
2100 N Minnesota Ave  
Sioux Falls SD, 57104

### Comment:

December 30, 2024 Chief Engineer, Eric Gronlund Water Rights Program, Foss Building 523 E Capitol, Pierre SD 57501  
RE: NOTICE OF APPLICATION NO. 8903-3 to Reserve Water for Future Use Dear Chief Engineer: As the Water Superintendent for the City of Sioux Falls Water Purification Division, I hereby submit the following comments regarding Application Number 8903-3, which concerns the City of Dell Rapids' proposed future use of the Sioux Quartzite Aquifer. My comments and concerns are based on potential impact to the already full allocation of future use permits in the Big Sioux Aquifer: Sioux Falls. 1. As the City of Sioux Falls continues to grow and water demand increases, the City is anticipated to grow rapidly into our future water use and thereby converting the future use permits to beneficial use permits. The City's growth plans rely upon its Big Sioux Aquifer Future Use Permit as a significant water source for the Public Water System. 2. The Big Sioux Aquifer: Sioux Falls has been fully appropriated. As such, the City's concern is the potential induction of water from the Big Sioux Aquifer to the Sioux Quartzite Aquifer. If there is induction, it could negatively impact water availability to the City of Sioux Falls and other downstream public water systems who rely on the Big Sioux Aquifer as their water source. 3. As was stated in the Recommendation of Chief Engineer for Future Use Water Permit Application No. 8903-3, City of Dell Rapids cover letter, "[a]ny application to place water to beneficial use reserved by this Future Use Permit may be subject to the City of Dell Rapids retaining a hydrogeologist or other qualified consultant to conduct a suitable aquifer performance test with analysis to determine if pumping from the Sioux Quartzite Aquifer will induce recharge from nearby aquifers that may be hydrologically connected to the Sioux Quartzite Aquifer. Inducing inflow from a hydrologically connected aquifer presents beneficial use and public interest concerns for consideration by the Water Management Board." 4. The City is not aware of any study regarding a suitable aquifer performance test with analysis sufficient to determine if pumping from the Sioux Quartzite Aquifer will induce recharge from nearby aquifers that may be hydrologically connected to the Sioux Quartzite Aquifer. 5. The City is in agreement with the Chief Engineer's above quoted statement, and therefore strongly advocates that a proper study and

understanding be required and performed prior to the conversion of this future use permit (if approved) to beneficial use, thereby ensuring that there is no induction from the Big Sioux to the Sioux Quartzite Aquifer. The City is prepared to offer further comment or provide responses to any questions for your consideration. Thank you for your attention. Chris Myers, Water Superintendent City of Sioux Falls, South Dakota Ph. 605-373-6944 Email. Chris.Myers@SiouxFalls.Gov

**Attachment:**

/Comment Attachments/Water Application Comments (1).docx



December 30, 2024

Chief Engineer, Eric Gronlund

Water Rights Program, Foss Building

523 E Capitol, Pierre SD 57501

RECEIVED

DEC 31 2024

OFFICE OF  
WATER

RE: NOTICE OF APPLICATION NO. 8903-3 to Reserve Water for Future Use

Dear Chief Engineer:

As the Water Superintendent for the City of Sioux Falls Water Purification Division, I hereby submit the following comments regarding Application Number 8903-3, which concerns the City of Dell Rapids' proposed future use of the Sioux Quartzite Aquifer. My comments and concerns are based on potential impact to the already full allocation of future use permits in the **Big Sioux Aquifer: Sioux Falls**.

1. As the City of Sioux Falls continues to grow and water demand increases, the City is anticipated to grow rapidly into our future water use and thereby converting the future use permits to beneficial use permits. The City's growth plans rely upon its Big Sioux Aquifer Future Use Permit as a significant water source for the Public Water System.
2. The **Big Sioux Aquifer: Sioux Falls** has been fully appropriated. As such, the City's concern is the potential induction of water from the Big Sioux Aquifer to the Sioux Quartzite Aquifer. If there is induction, it could negatively impact water availability to the City of Sioux Falls and other downstream public water systems who rely on the Big Sioux Aquifer as their water source.
3. As was stated in the Recommendation of Chief Engineer for Future Use Water Permit Application No. 8903-3, City of Dell Rapids cover letter, "[a]ny application to place water to beneficial use reserved by this Future Use Permit may be subject to the City of Dell Rapids retaining a hydrogeologist or other qualified consultant to conduct a suitable aquifer performance test with analysis to determine if pumping from the Sioux Quartzite Aquifer will induce recharge from nearby aquifers that may be hydrologically connected to the Sioux Quartzite Aquifer. Inducing inflow from a hydrologically connected aquifer presents beneficial use and public interest concerns for consideration by the Water Management Board."
4. The City is not aware of any study regarding a suitable aquifer performance test with analysis sufficient to determine if pumping from the Sioux Quartzite Aquifer will induce recharge from nearby aquifers that may be hydrologically connected to the Sioux Quartzite Aquifer.

5. The City is in agreement with the Chief Engineer's above quoted statement, and therefore strongly advocates that a proper study and understanding be required and performed prior to the conversion of this future use permit (if approved) to beneficial use, thereby ensuring that there is no induction from the Big Sioux to the Sioux Quartzite Aquifer.

The City is prepared to offer further comment or provide responses to any questions for your consideration. Thank you for your attention.

Chris Myers,

Water Superintendent

City of Sioux Falls, South Dakota

Ph. 605-373-6944

Email. [Chris.Myers@SiouxFalls.Gov](mailto:Chris.Myers@SiouxFalls.Gov)



## Duvall, Ron

---

**From:** DANRnoreply <DANRnoreply@state.sd.us>  
**Sent:** Thursday, January 2, 2025 3:45 PM  
**To:** Duvall, Ron; Gronlund, Eric; amanada.dewell@state.sd.us  
**Subject:** [EXT] Comment on No. 8903-3, City of Dell Rapids, c/o Steve McFarland

Please use caution in opening any attachments or clicking on any links.

This message was received from an external mail system, but has been made to appear as though originating from an internal State email address. If you are not expecting this message or are concerned about its content, please forward it to the [reportspam@state.sd.us](mailto:reportspam@state.sd.us) mailbox.

---

**Comment On:**  
No. 8903-3, City of Dell Rapids, c/o Steve McFarland

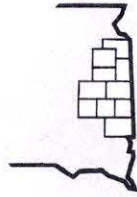
**Comment Deadline Date:**  
01/02/2025

**Date Comment Filed:**  
01/02/2025 15:45:25

**Commenter Info:**  
Jay Gilbertson  
132B Airport Avenue  
Brookings SD, 57006

**Comment:**  
See attached .pdf file for comments.

**Attachment:**  
/Comment Attachments/EDWDD FUP 8903-3 Comments.pdf



EAST DAKOTA  
WATER  
DEVELOPMENT  
DISTRICT

RECEIVED  
JAN 02 2025  
OFFICE OF  
WATER

January 2, 2025

Eric Gronlund, Chief Engineer  
SD DANR Water Rights Program  
523 East Capitol Avenue  
Pierre, South Dakota 57501-3182

Dear Mr. Gronlund:

On behalf of the East Dakota Water Development District, I wish to offer comments on Future Use Water Permit Application No. 8903-3. I have reservations about the information presented in the Report to the Chief Engineer on this matter, which is presented as the foundation for the formal Recommendation you have issued. Specifically, I question the assertion that there is a "reasonable probability that there is unappropriated water available for the applicants' proposed use.."

1. In the section of the report dealing with Observation Well and Other Water Level Data (second paragraph, page 4 of 15), it states that, "*The Water Rights Program does not maintain any observation wells completed in the Sioux Quartzite aquifer (Water Rights, 2024c). However, it is possible to consider water levels measured in wells completed into the Sioux Quartzite to determine general long-term trends of water levels in the area (Water Rights, 2024d).*"

In place of a series of consecutive measurements from observation wells in the Sioux Quartzite aquifer, the report presents, as Table 1, a single water level measurement, as reported in the well completion record, for four wells in the general vicinity of the proposed activity. The earliest data point was collected in 1980, and the final level reported in 2011. No additional water-level information is presented from any of the wells. Determination of water-level **trends** implicitly requires a series of observations over time at the same location. A single measurement only defines the conditions that existed at the point in time the data was collected. Table 1 provides no useful information if you are trying to interpret aquifer characteristics, beyond the fact that at a particular moment there was some undetermined amount of water in the ground. The assertion that long-term trends of water levels can be gleaned from existing information is not supported.

2. In the final paragraph on Page 4 of 15, the report states that, "Sioux Quartzite water levels across southeastern South Dakota show a correlation with long-term precipitation patterns (Lindgren and Niehus, 1992)." Figure 34 of Lindgren and Niehus, 1992 (copy attached), which is the apparent foundation for this statement, compares precipitation trends in the



area with water levels measured in Water Rights observation well MA-80I. The well is located approximately 9 miles SSW of Dell Rapids. A review of the lithologic log (attached) for MA-80I indicates that the well is completed in what is described as the "Sioux Quartzite Wash" aquifer. The description from the log makes clear that this unit is not the Sioux Quartzite aquifer, as defined in this report. As such, the noted trend is not applicable to the aquifer being addressed in this report.


The notion that the water levels in the Sioux Quartzite aquifer fluctuate with climate is restated several times in the report. No data to support these assertions is presented, beyond the problematic reference to Lindgren and Niehus (1992). In fact, in the final paragraph of Page 4 of 15, the report says that there is insufficient information available to establish water level trends in the target area. Yet, this is immediately followed by the statement that, "Regardless, water levels in the Sioux Quartzite wells tend to be similar to directly hydrologically connected aquifers (adjacent or overlying)." Again, no foundation for these statements is provided.

Given the aforementioned items, it is unclear as to how it can be determined that there is a "reasonable probability that there is unappropriated water available for the applicants's proposed use.." The addendum (Note) included in the formal Recommendation clearly suggests the uncertainty about this particular request.

I would encourage you and the Water Management Board to defer action on this request until such time as a more thorough investigation of the hydrogeologic conditions can be conducted. I would note that a similar approach was recently undertaken following a request from Plainview Dairy LLC (Permit 8768-3) to utilize water from the Toronto aquifer. At the time of Plainview's initial request, there was insufficient data available to make an informed decision. The Geological Survey Program was tasked with studying the situation, which included the drilling of test holes and installing observation wells to better define the local conditions. Given the notable lack of direct information in this instance, I believe a similar approach would be in order.

If you have any questions, or require clarification of anything I have presented, please do not hesitate to contact me. Thank you for your consideration of my comments.

Sincerely,

A handwritten signature in black ink, appearing to read "Jay P. Gilbertson", with a long horizontal line extending to the right.

Jay P. Gilbertson  
Manager/Treasurer

From: Lindgren, R.L., and Nichols, C.A., 1992, Water Resources of Minnehaha County, South Dakota: US Geological Survey Water Resources Investigation Report 91-4101, 80 p.

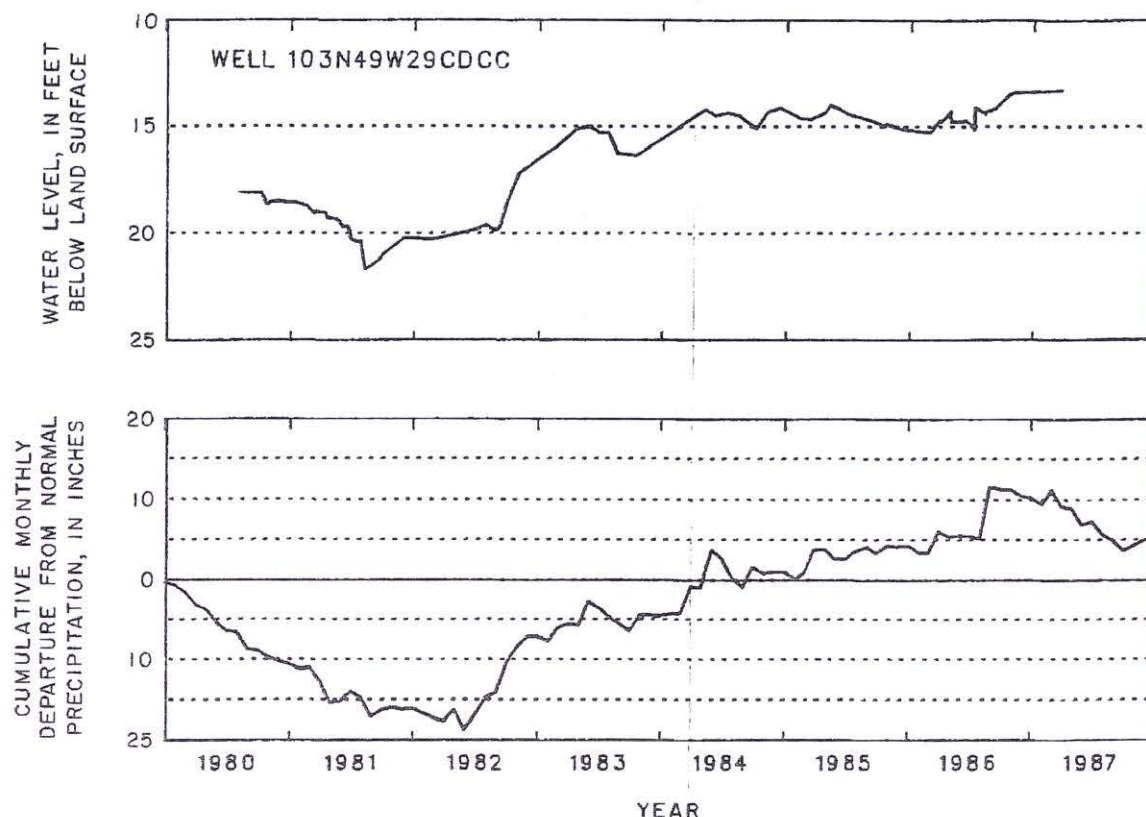


Figure 34.--Water-level fluctuations in the Sioux Quartzite aquifer and cumulative monthly departure from normal precipitation at Sioux Falls.

#### WATER USE

Surface water in Minnehaha County is used predominantly for stock-watering and irrigation purposes. Total surface-water use in Minnehaha County in 1985 was about 416 million gallons. About 60 percent of the total was for stock-watering purposes and about 40 percent was for irrigation.

Water use from glacial and bedrock aquifers in Minnehaha County in 1985 was estimated to be about 5.87 billion gallons (table 9). About 94 percent of the water used was withdrawn from glacial aquifers and about 6 percent of the water used was withdrawn from bedrock aquifers. Eighty-five percent of the water withdrawn from the aquifers in Minnehaha County was used for municipal purposes and 94 percent of the water withdrawn for municipal purposes was used by the city of Sioux Falls. About 347 million gallons (6 percent of the estimated 1985 water use) of water were withdrawn from the Big Sioux, Skunk Creek, and Brandon aquifers in 1985 for irrigation purposes. About 35 percent of the water withdrawn from the aquifers for rural domestic purposes was withdrawn from the Sioux Quartzite aquifer.



<https://gis.usd.edu/lithlogs/minnehaha/103N49W29CDCC.pdf>

### Location Information

Legal Location: SW SW SE SW SEC. 29, T. 103 N., R. 49 W.

County: MINNEHAHA

Hydrologic Unit Code: 10170203

Land Owner:

Location: 103N49W29CDCC

Latitude: 43.688847

Longitude: -96.745457

Ground Surface Elevation: 1480 T

### Project Information

Project: SIOUX FALLS-BRANDON STUDY

Drill Date: 6/19/1980

Company: SDGS

Drilling Method: ROTARY

Test Hole Number: SFB-207

Geologist: D. ILES

Geologist's Log: ☒

Driller: B. GARRISON

Driller's Log: ☐

Total Drill Hole Depth (ft): 112.0

### Well Information

SDGS Well Name:

Water Rights Well: MA-801

Other Well Name:

Casing Type: PVC

Screen Type: PVC, MFG.

Total Casing and Screen (ft): 112.5

Casing Stick-up (ft): 2.5

Filter Pack from (ft): to

Well Protector Installed: No

Aquifer: SIOUX QUARTZITE WASH

Management Unit:

Casing Top Elevation: 1482.5 T

Casing Diameter (in): 2

Screen diameter (in):

Screen Length (ft):

Screened from (ft): to

Screen Slot Size (in)

Fence Posts Installed: No

### Grouting Information

Bentonite Grout from (ft): to Neat Cement Grout from (ft): to

Bentonite Chips/Granular from (ft): to Other: to

### Formation and Geophysical Information

Bottom Hole Formation

☐ E-Log Available

BOTTOM OF WELL AT 110 FEET.

<u>Elevation (ft)</u>	<u>Depth (ft)</u>	<u>Description</u>
1480 - 1476	0 - 4	TOPSOIL, BROWN, SILTY
1476 - 1467	4 - 13	SILT, YELLOW; SOFT
1467 - 1456	13 - 24	CLAY, MOTTLED-YELLOW, SILTY, SANDY, PEBBLY (TILL)
1456 - 1455	24 - 25	SAND AND GRAVEL, FINE SAND TO COARSE GRAVEL; OXIDIZED
1455 - 1442	25 - 38	CLAY, MOTTLED-YELLOW, SILTY, SANDY, PEBBLY (TILL)
1442 - 1415	38 - 65	CLAY, YELLOW AND GRAY, MOTTLED, SILTY, SANDY, PEBBLY; SOME WHITE CALCAREOUS JOINT FILLING, THE COLOR WAS MOSTLY YELLOW AT 38 FEET AND MOSTLY GRAY AT 65 FEET
1415 - 1405	65 - 75	CLAY, YELLOW, SILTY, SANDY, PEBBLY; HARD, CALCAREOUS
1405 - 1370	75 - 110	SANDSTONE, PINK, FINE TO COARSE; COMPOSED OF QUARTZ, THE FIRST 3 INCHES WERE VERY HARD, INDIVIDUAL GRAINS APPEARED IN THE CUTTINGS, NO CHUNKS
1370 - 1368	110 - 112	QUARTZITE, PINK AND WHITE; HARD, USED ROCK BIT (SIOUX QUARTZITE)





RECEIVED

JAN 02 2025

OFFICE OF  
WATER

DEPARTMENT of AGRICULTURE  
and NATURAL RESOURCES

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

## Comment

### Concerning Application for a Water Right Permit

Application No. 8903-3 Name of Applicant City of Dell Rapids

The Application No. and applicant's name can be found in the public notice at <https://danr.sd.gov/public>.

**Note.** Filing a comment does NOT make the commenter a party of record to, or a participant in, any hearing that may be held concerning this application. Your comment will be provided to the Water Management Board and become part of the public record.

#### Comments concerning this application:

January 2, 2025

Eric Gronlund, Chief Engineer  
Water Rights Program  
Foss Building  
523 E Capitol  
Pierre, SD 57501

Dear Mr. Gronlund,

Minnehaha County Water Corporation ("MCWC") joins in the Comments submitted by East Dakota Water Development District on January 2, 2025, and the City of Sioux Falls on December 30, 2024, respectively. As outlined in its Petition dated December 27, 2024, attached hereto and incorporated herein by this reference, MCWC has concerns that Application 8903-3 from the City of Dell Rapids will have a detrimental effect on MCWC's existing permitted wells and the recharge of the Sioux Falls Management Unit of the Bug Sioux Aquifer.

While Application 8903-3 seeks to reserve a future use, MCWC, out of an abundance of caution, filed a Petition, as opposed to solely a Comment in this matter. MCWC wants to ensure it does not waive its ability to challenge any reservation or use, particularly given that the reservation of future use is based on statements that lack foundation, as noted by each of MCWC, East Dakota Water Development District, and the City of Sioux Falls in their respective filings.

To the extent the Chief Engineer and Water Management Board defer action on the Application as requested in East Dakota Water Development District's Comment until a more thorough investigation can be completed, MCWC may withdraw its Petition or agree to hold it in abeyance pending that investigation.

Sincerely,

Scott J Buss

#### Commenter's name and address:

First Name: Scott Last Name: Buss

Address: 47381 248th St

City: Dell Rapids State: SD Zip: 57022

**Note.** This comment needs to be submitted no later than the deadline date provided in the public notice. The mailing address is provided above, send to "Attention - Water Rights Program" or send via email to [DANRmail@state.sd.us](mailto:DANRmail@state.sd.us).



**DEPARTMENT of AGRICULTURE  
and NATURAL RESOURCES**

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

May 22, 2025

**NOTICE OF HEARING**

TO: City of Dell Rapids  
c/o Steve McFarland, Administrator  
PO Box 10  
Dell Rapids SD 57022

Minnehaha Community Water Corp  
c/o Scott Buss, Executive Director  
47380 248<sup>th</sup> St  
Dell Rapids SD 57022

Matthew E Naasz  
Attorney for City of Dell Rapids  
PO Box 8045  
Rapid City SD 57709

Meredith A Moore  
Attorney for Minnehaha Community Water Corp  
PO Box 1400  
Sioux Falls SD 57101

Jennifer Verleger, Assistant Attorney General  
Legal Counsel for Chief Engineer  
1302 E Hwy 14, Suite 1  
Pierre SD 57501

FROM: Amanda Dewell, Permitting Administrator  
SD DANR, Water Rights Program

SUBJECT: Scheduling of Hearing on Water Permit Application No. 8903-3, City of Dell Rapids

The Water Management Board will conduct a hearing to consider Application No. 8903-3 at 9:45 AM (Central Time), on Wednesday, July 9, 2025, at the Floyd Matthew Training Center, Joe Foss Building, 523 E. Capitol Avenue, Pierre SD. The time is an estimate and may be delayed due to prior items on the agenda.

Pursuant to SDCL 46-2-9, 46-2-11, and 46-2A-23, the Board has legal authority and jurisdiction to conduct this hearing. Applicable provisions of the public notice published in the Argus Leader on December 12, 2024, and the Notice dated January 7, 2024, still apply.

The hearing is an adversary proceeding and any party has the right to be present at the hearing and may be represented by legal counsel. As legal entities, the City of Dell Rapids and Minnehaha Community Water Corp. are required to be represented by legal counsel in this administrative proceeding. These and other due process rights will be forfeited if they are not exercised at the hearing. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

As applicable, the following provides the legal authority and jurisdiction under which the hearing will be held and the particular statutes and rules pertaining to this application: SDCL 1-26-16 thru 1-26-28; SDCL 46-1-1 thru 46-1-9, 46-1-13 thru 46-1-16; 46-2-3.1, 46-2-9, 46-2-11, 46-2-17; 46-2A-1 thru 46-2A-12, 46-2A-14, 46-2A-15, 46-2A-20, 46-2A-21, 46-2A-23; 46-5-1.1, 46-5-2 thru 46-5-26, 46-5-30.2 thru 46-5-30.4, 46-5-31 46-5-32 thru 46-5-34.1, 46-5-38 thru 46-5-39, 46-5-46, 46-5-47, 46-5-49; 46-6-1 thru 46-6-3.1, 46-6-6.1, 46-6-10,



46-6-13, 46-6-14, 46-6-21, 46-6-26; Board Rules ARSD 74:02:01:01 thru 74:02:01:24.02 and ARSD Chapter 74:02:04.

Notices, orders, and other pleadings filed in the matter of Water Permit Application No. 8903-3 are posted on DANR's contested case page at <https://danr.sd.gov/public/ContestedCase.aspx>.

Questions regarding the hearing process may be directed to Amanda Dewell ([amanda.dewell@state.sd.us](mailto:amanda.dewell@state.sd.us)) or Ron Duvall ([ron.duvall@state.sd.us](mailto:ron.duvall@state.sd.us)), Water Rights Program at (605) 773-3352.

# CERTIFICATION

The undersigned hereby certifies under the penalty of perjury that a true and correct copy of a Notice of Hearing dated May 22, 2025, regarding Water Permit Application No. 8903-3 – City of Dell Rapids, was served upon the following by enclosing the same in envelopes with first class postage prepaid and affixed thereto, and depositing said envelopes in the United States mail on May 22, 2025.

City of Dell Rapids  
c/o Steve McFarland, Administrator  
PO Box 10  
Dell Rapids SD 57022

Minnehaha Community Water Corp  
c/o Scott Buss, Executive Director  
47380 248<sup>th</sup> St  
Dell Rapids SD 57022

Matthew E Naasz  
PO Box 8045  
Rapid City SD 57709

Meredith A Moore  
PO Box 1400  
Sioux Falls SD 57101

## Above also Sent Inter-office to:


Jennifer Verleger, Assistant Attorney General  
1302 East Highway 14, Suite 1  
Pierre SD 57501



Shannon Konst  
Water Rights Program, DANR

STATE OF SOUTH DAKOTA     )  
  ) SS  
COUNTY OF HUGHES         )

Sworn to, before me, this 22<sup>nd</sup> day of May, 2025.



Rachel Rodriguez  
Notary Public  
My Commission expires May 16, 2029

