



DANR

SOUTH DAKOTA

WATER MANAGEMENT BOARD Meeting on December 3, 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>

December 3, 2025

- 9:30AM Call to Order
Roll Call
Adopt Final Agenda
Conflicts Disclosures and Requests for State Board Waivers
Adopt October 1, 2025 Board Minutes
Set March 4 - 5, 2026 Meeting Dates and Location
Public comment period in accordance with SDCL 1-25-1
Status and Review of Water Rights Litigation
Administer Oath to Department of Agriculture and Natural Resources Staff
Future Use Review – Amanda Dewell
Unopposed Water Permits Issued based on Chief Engineer’s Recommendation – Amanda Dewell
- 9:45AM Five-Year Review of Fully Appropriated Aquifers – Kim Drennon
- Tulare: Western Spink Hitchcock Aquifer
 - Tulare: East James Aquifer
- 10:15AM Reconsider Deferred Water Permit Application Nos. 8721-3 & 8722-3, Huron Hutterian Brethren – Kim Drennon
Reconsider Deferred Water Permit Application Nos. 8749-3, 8750-3, 8751-3 & 8752-3, Van Buskirk Farms LLP – Kim Drennon
- 10:30AM Consider Water Permit Application No. 8972-3, Cheryl E & Erik L Nelson – Tyler Jensen
Consider Amendment and Cancellation of Water Permit No. 8787-3, Cheryl E Nelson – Amanda Dewell
Annual Review of Open Meeting Laws in Accordance with SDCL 1-25-13 – David McVey

LUNCH

Continue any prior agenda items not yet completed.

WATER MANAGEMENT BOARD

Meeting on December 3, 2025

ADJOURN

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

Notice is given to individuals with disabilities that 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.

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

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

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

The roll was called, and a quorum was present.

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

The following attended the meeting:

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

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

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

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

Legislative Oversight Committee: None.

Court Reporter: Carla Bachand, Capital Reporting Services.

Other: Bob Mercer, Keloland.

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

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

CONFLICT DISCLOSURES AND REQUESTS FOR STATE BOARD WAIVERS: None.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Ms. Dewell stated that the 13 water rights and water permits listed in the table were scheduled for cancellation. The owners were notified of the hearing and the reasons for cancellation. The department received no comments or letters in response to the notices of cancellation.

The Acting Chief Engineer recommended cancellation of the following water rights and water permits for the reasons listed:

Number	Present Owner(s) and Other Persons Notified	Previous Owner	Reason
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DIVISION 1 WATER RIGHTS

RT 1153-1	WM Scott Phillips	N/A	Abandonment/Forfeiture
RT 446-1	Sidney Luverna Anders Revocable Trust c/o Laura Anders & John Johnson	Edgar Johnson	Abandonment/Forfeiture

DIVISION 2 WATER RIGHTS

RT 2608-2	Mark Iverson	N/A	Abandonment/Forfeiture
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RT 1642-2	Wilbur Reid	Wilbur/Judith Ohlmann	Abandonment/Forfeiture
RT 2105-2	Dustin Curr	Sleepy Hollow Campground LLC	Abandonment/Forfeiture

DIVISION 3 WATER RIGHTS/PERMITS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Well Interference Qualification

The well(s) approved under this permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control

withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.

Well Construction Rule Qualification

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

Irrigation Water Use Questionnaire Qualification

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

Low Flow Qualification

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

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

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

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

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

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

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

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

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

Motion carried unanimously.

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

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

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

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

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

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

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

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

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

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

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

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

2. Future Use Permit No. 8959-3 is approved with the stipulation that this Permit is subject to review by the Water Management Board as to accomplishment in developing reserved water upon expiration of seven (7) years. This Permit shall be subject to cancellation if the Water Management Board determines during the review that the holder cannot demonstrate a reasonable need for the Permit.
3. At such time as definite plans are made to construct works and put the water reserved by this Permit to beneficial use, specific application for all or any part of the reserved water must be submitted prior to construction of facilities pursuant to SDCL 46-5-38.1.

The motion carried unanimously.

UNOPPOSED NEW WATER PERMITS ISSUED ON THE CHIEF ENGINEER'S

RECOMMENDATION: Prior to the meeting, the Board received a copy of the table listing the unopposed new water permits issued by the Acting Chief Engineer. (See attachment)

Comment received concerning Application No. 2892-2, GF&P Custer State Park Horse Camp:

Ms. Greco stated that the application, staff recommendation, staff report, Acting Chief Engineer's recommendation, Affidavits of Publication, and the two comments submitted were included in the Board packet.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Mr. Jens was not present at the meeting.

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

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

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

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

Approved December 3, 2025.

Water Management Board

WATER MANAGEMENT BOARD MEETING

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

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

Future Use Reviews

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

WATER MANAGEMENT BOARD MEETING

December 3, 2025

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

No.	Name	Address	County	Amount	Use	Source	Qualifications
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Water Permit Applications to be Considered as Scheduled

8972-3	Cheryl & Erik Nelson	Gettysburg	SU	72.4 AF	REC/FWP	2 wells – Inyan Kara	wi, 4 special
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Unopposed New Water Permit Applications Issued Based on the Chief Engineer Recommendations

2896-2	Country Store At 3 Forks	Rapid City	PE	1 AF	COM	1 well – Crystalline Rock	wi, 2 special
2898-2	City of Rapid City	Rapid City	PE	146.59 AF	WDS	Rapid Creek	7 special
8931-3	TM Rural Water District	Parker	MC	No Add'l	RWS	2 wells – Upper Vermillion Missouri	wi, wcr, 2 special
8963-3	Evergreen Hutterian Brethren, Inc.	Faulkton	FA	30.7 AF	IND	1 well – Dakota	wi, 3 special
8966-3	Mikota Holdings, LLC.	Grand Rapids	MI	1.78 cfs	IRR (130 acres)	1 well – Brule Creek	wi, wcr, iq
8967-3	Legacy Farm Holdings, LLC.	Sioux Falls	UN	1.78 cfs	IRR (200 acres)	1 well – Brule Creek	wi, wcr, iq
8968-3	McCossan Boys Ranch	Sioux Falls	MA	0.22 cfs	IRR (5 acres)	1 well – Pleistocene Series: Unknown	wi, wcr, iq, 1 special
8970-3	Miriam Haase	Parker	TU	1.11 cfs	IRR (136 acres)	1 well – Niobrara	wi, wcr, iq
8971-3	Riverview LLP	Morris	MN	217 AF	COM	Surface – pond	lf, 5 special
8973-3	SD Dept. Game Fish & Parks	Pierre	DA	646 AF	F&WP	6 wells – Blue Dog Lake	wi, wcr, 2 special
8974-3	Ninemile Lake Addition	Sioux Falls	LN	275 AF	Rec/Dom/F&WP	Ninemile Creek	lf, 1 special
8975-3	Sweetman Construction	Sioux Falls	MA	Add'l 450 AF	COM/IND	Split Rock Creek	5 special
8976-3	Merle A Wollman	Sioux Falls	HT	0.85 cfs	IRR (70 acres)	1 well – Niobrara	wi, wcr, iq

Future Use Reviews

No.	Name	Address	County	Amount Remaining in Reserve	Use	Source	Qualifications
439-2	City of Rapid City	Rapid City	PE	3,367 AF	Future Use	Minnelusa & Madison	2 special
1088-2	City of Rapid City	Rapid City	PE	4,830 AF	Future Use	Rapid Creek	3 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. 439-2, City of Rapid City**

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. 439-2, City of Rapid City, 300 6th Street, Rapid City SD 57701.

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

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

Mark Mayer, PE
Director of Office of Water
October 1, 2025



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

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

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

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

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

Mark Mayer, PE
Director of Office of Water
October 1, 2025



Public Works Department

Administration

300 6th Street Rapid City, SD 57701-5035

Telephone: (605) 394-4165

www.rcgov.org

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OFFICE OF
WATER

September 19, 2025

Department of Environment and Natural Resources
Water Rights Program
Attn: Rachel Rodriguez
Joe Foss Building
523 East Capitol
Pierre, SD 57501-3182

Subject: Intent to Retain Future Use Water Permit Nos. 439-2 and 1088-2 for Future Water Demands

Dear Ms. Rodriguez,

In response to your letter dated September 11, 2025, the City of Rapid City confirms its intent to retain Water Permit Nos. 439-2 and 1088-2. These permits are crucial for securing the City's future water supply.

Attached for your review are graphs from our master planning documents. The graphs illustrate anticipated steady growth in both population and water demand. The City's population growth rate from 2023-2024 was 3.05%. Rapid City's population is expected to be over 100,000 by 2034. Continued growth will require Rapid City to increase water production in order to meet the future water needs of the City. These future use permits are an important tool for our water system because they not only reserve the necessary water but also secure our priority date.

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

Sincerely,

Daniel Ainslie
Interim Public Works Director

Cc: Stacey Titus, Assistant Public Works Director
Eric Boyda, Water Division Superintendent
Brandon Quiett, Operations Engineer

Attachments:

- 2024 End of Year Population Projection
- Water Utility System Master Plan Update 2024
 - Figure 2-6 Rapid City Historical and Projected Population
 - Figure 2-18 Historical and Future Average Day, Maximum Day, and Maximum Hour Demand Projection.



Department of Community Development

300 6th St | Rapid City, SD 57701 | 605-394-4120
cpweb@rcgov.org | www.rcgov.org

Kelly Brennan, Long Range Planner III
Department of Community Development
Long Range Planning

Phone: 605-394-4120
Email: kelly.brennan@rcgov.org

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OFFICE OF
WATER

MEMORANDUM

TO: Metropolitan Planning Organization Committee Members
FROM: Kelly Brennan, Long Range Planner III
DATE: May 23, 2025
RE: **25TP009 – Rapid City Year End 2024 Population Estimate**

Every year the Long Range Planning Division prepares a population estimate for Rapid City using a methodology approved by the United States Census Bureau. These estimates are based on approved building permits, housing demolitions, the 2020 Census occupancy rate and the 2020 Census persons per household rate for Rapid City and Pennington County. The 2024 year end Rapid City population estimate is 84,930. This is a 3.05% increase from 2023.

STAFF RECOMMENDATION: Staff recommends approval of the Rapid City Year End 2024 Population Estimate.

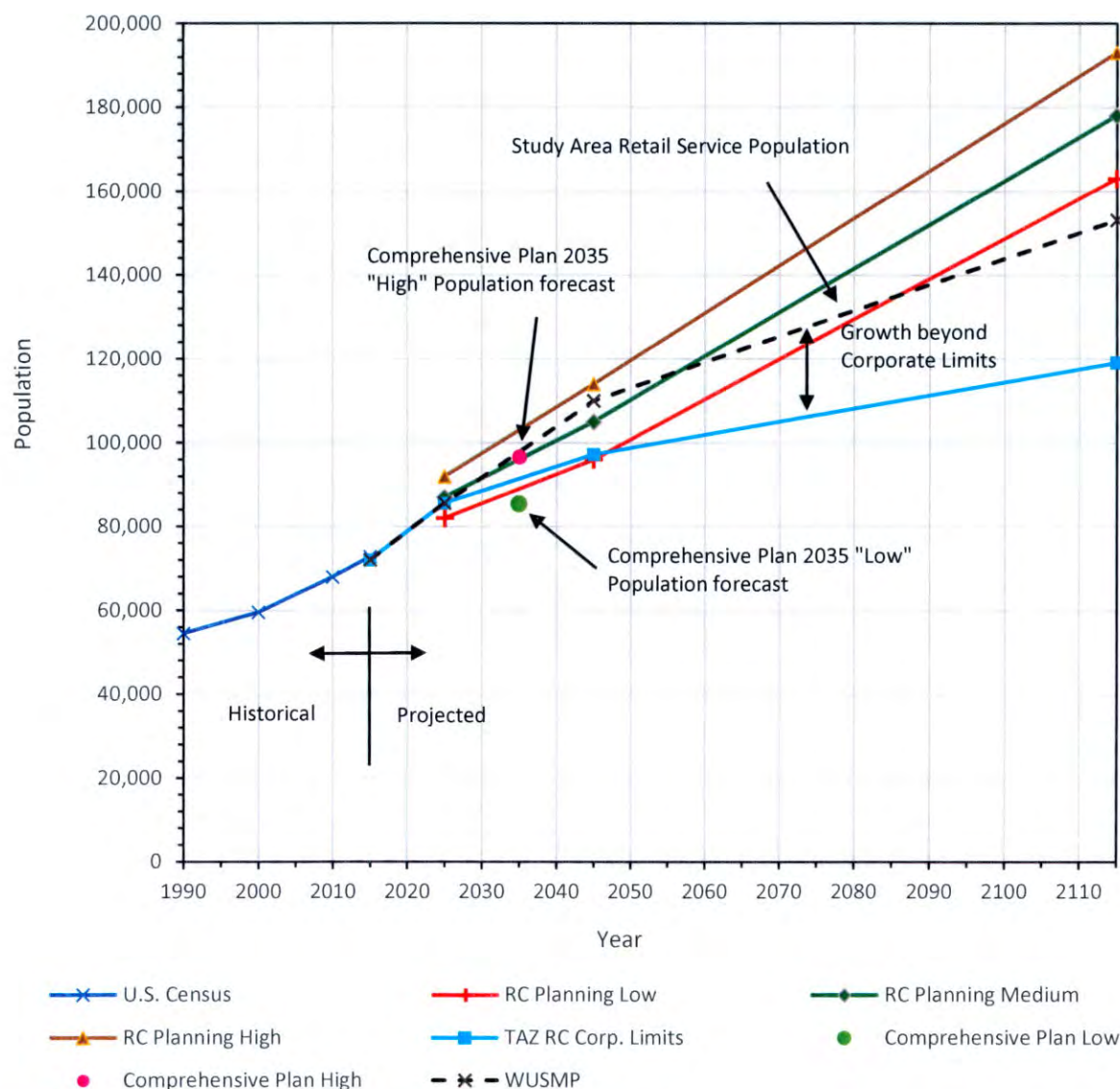


Figure 2-6 Rapid City Historical and Projected Population

A review of population information in Table 2-3 and Figure 2-6 is summarized as follows:

- Figure 2-6 illustrates that population growth will occur both inside the Rapid City 2025 Corporate Limit Expansion (cyan color line) and outside of that boundary line (black dashed line). The gap between the two lines represents the population growth that will occur outside to the Rapid City 2025 Corporate Limit Expansion and up to the USB service area boundary for 2045 and the Tier 1 service area boundary for 2115.
- The Rapid City TAZ based 2015 population is 71,988 which is close to and a good match with the 2015 U.S. Census population estimate of 72,817.

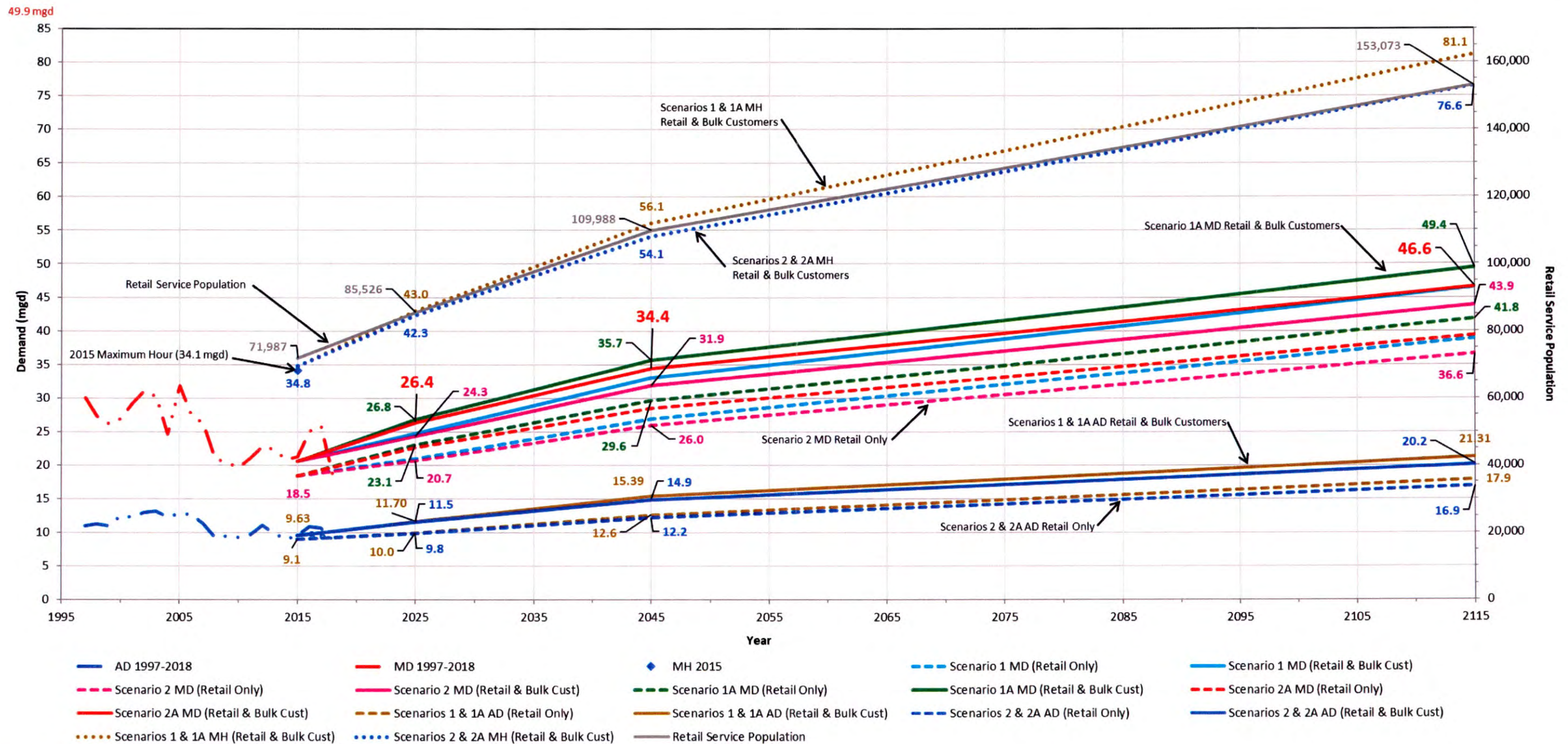


Figure 2-18 Historical and Future Average Day, Maximum Day, and Maximum Hour Demand Projections (Demand Scenarios)

AFFIDAVIT OF PUBLICATION

City of Rapid City
300 6th Street
RAPID CITY South Dakota 57701

State of New Jersey, County of Camden, ss:

I, Deidre Stevens-DiGiovanni, of lawful age, being duly sworn upon oath depose and say that I am an agent of Column Software, PBC, duly appointed and authorized agent of the Publisher of The Rapid City Journal, a corporation of Rapid City, South Dakota, a legal and daily newspaper printed and published in Rapid City, in said County of Pennington, and has full and personal knowledge of all the facts herein stated as follows: that said newspaper is and at all of the times herein mentioned has been a legal and daily newspaper with a bonafide paid circulation of at least Two Hundred copies daily, and has been printed and published for at least one year prior to the first date of the published notice. This affidavit is a true and corrected copy of notice which appeared in said newspaper on the following dates.

Publication Dates:

- Oct 23, 2025

NOTICE ID: frCxietu3iMoayyf62b5

NOTICE NAME: FUTURE USE WATER PERMIT 439-2/1088-2

TOTAL AD COST: \$148.59

Deidre Stevens-DiGiovanni

Agent

VERIFICATION

State of New Jersey
County of Camden

Signed or attested before me on this: 10/24/2025

SM S. & P. Inc

Notary Public

Notarized remotely online using communication technology via Proof.

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NOS. 439-2 and 1088-2

Notice is given that the Water Management Board will review Future Use Permit Nos. 439-2 and 1088-2 held by the City of Rapid City, 300 6th Street, Rapid City SD 57701 for progress made in the development of the water reserved by the Permit and future plans for development of the water reserved by the Permits.

Permit No. 439-2 was approved in 1957 and currently reserves 3,367 acre-feet from groundwater, infiltration galleries and Minnelusa and Madison Formation wells located along Rapid Creek in the SE 1/4 NE 1/4 Section 9 and NW 1/4 SE 1/4 Section 8 and SW 1/4 SW 1/4 Section 3; all in T1N-R7E for municipal use.

Permit No. 1088-2 was approved in 1971 and currently reserves 4,830 acre-feet from Rapid Creek located in the SE 1/4 NE 1/4 Section 3-T1N-R7E for municipal use.

Pursuant to SDCL 46-2A-2 the Acting Chief Engineer of the Water Rights Program recommends that Permit Nos. 439-2 and 1088-2 REMAIN in EFFECT for 3,367 acre-feet annually and 4,830 acre-feet annually, respectively because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed use will be 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 Nos. 439-2 and 1088-2 on December 3, 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 these future use permits, 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

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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 Capitol 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 November 3, 2025.

The petition shall be in writing and shall include a statement describing the unique injury upon renewal of these future use permits on the petitioner, the reasons for petitioner's opposition to renewal of the future use permits, 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 Nos. 439-2 and 1088-2 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 Permits. The request for a delay must be filed with the Acting Chief Engineer by November 3, 2025.

Any interested person may file a comment on the future use permits 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 November 3, 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, Non-discrimination 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 November 3, 2025. However, since this particular matter is future use permit renewals 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 October 23, 2025 for a total approximate cost of \$148.59 and may be viewed for free at www.sdpublicnotices.com)
Legal No: COL-SD-3493

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Program

Second Report on the Five-Year Review of Water Availability in the Western Spink-Hitchcock Management Unit of the Tulare Aquifer
Scheduled before the Water Management Board December 2025

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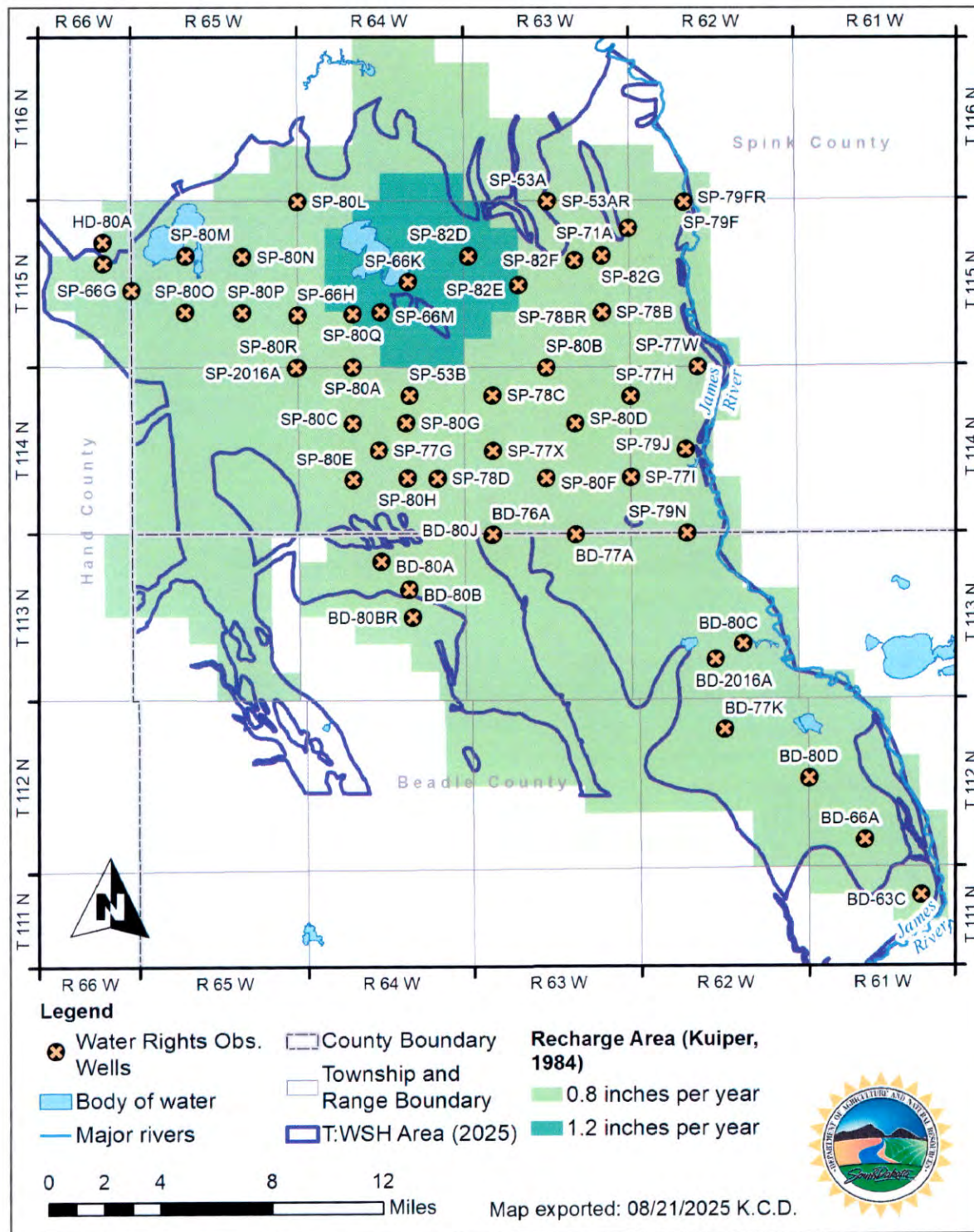


Figure 1: Map of Tulare: Western Spink-Hitchcock aquifer (modified from First Five-Year Review) [1] [2], Water Rights Program observation wells [3], and model area from the 1984 Kuiper [4] model.

Introduction

In 2013, the South Dakota Water Management Board determined that the Western Spink-Hitchcock management unit of the Tulare aquifer was fully appropriated. Subsequently, the South Dakota Legislature provided a process for management of fully appropriated aquifers by enacting South Dakota Codified Law (SDCL) 46-2A-7 through 46-2A-7.7. The Water Management Board met in 2015 to satisfy the requirements provided by that legislation, using technical analysis by Ken Buhler [5]. In 2020, the first five-year, as required by legislation, review was presented to the Water Management Board, using technical analysis by John Farmer [1]. The Board concluded that based on the information available, there was not unappropriated water available for any of the 28 water right permit applications on hold at that time. This report serves as the technical review of the groundwater source, all permits appropriating water from that source, and all held applications for that source, as required pursuant to SDCL 46-2A-7.5. For the second 5-year review. There are 27 remaining water right/permit applications on hold requesting to divert water from the Western Spink-Hitchcock management unit of the Tulare aquifer as of July 2025.

Tulare: Western Spink-Hitchcock Aquifer (T:WSH) Hydrogeologic Characteristics

The Tulare aquifer is a Quaternary-aged system of sand and gravel layers that were deposited as outwash by meltwater from receding glaciers. The Western Spink Hitchcock management unit of the Tulare aquifer (Figure 1) is a buried aquifer generally lying immediately above the bedrock (a.k.a. basal) [6] [7]. The bedrock is composed of an erosional surface of exposed Cretaceous-aged Pierre Shale and Niobrara Formation, with the lowest erosional surface possibly incising into the Carlisle Shale, which contains the Codell Sandstone member [8]. The Niobrara Formation and Codell Sandstone can also be aquifers in portions of South Dakota [3] [9]. The Tulare: Western Spink-Hitchcock aquifer underlies approximately 260,000 acres of Hand, Spink, and Beadle Counties [1] [2]. The Tulare aquifer has an average thickness of 37 feet [10]. Assuming a porosity of 0.15 [11], the estimated recoverable water in storage in the Tulare: Western Spink-Hitchcock aquifer is approximately 1.4 million acre-feet. The Tulare: Western Spink-Hitchcock aquifer is hydrologically connected to the Tulare: East James aquifer to the east, the Floyd: East James aquifer to the southeast, and the Warren: West James aquifer to the southwest. There may also be a hydrologic connection between the Tulare: Western Spink-Hitchcock aquifer and the Cretaceous-aged aquifers where the formations are in contact with one another. Buhler [5] estimated that approximately 77,000 acres of the Tulare: Western Spink-Hitchcock aquifer were under unconfined conditions in October 2012, and showed that at the time, a majority of the aquifer was under confined conditions. The area of the aquifer under confined conditions fluctuates with the amount of water in the aquifer. Since water is essentially incompressible, when the aquifer has more water in storage, more area is confined and vice-versa for when there is less water in the aquifer.

Applicable SDCL for Five-Year Reviews of Fully Appropriated Aquifers

Pursuant to SDCL 46-2A-7.5, the Board shall hold a public hearing to review the groundwater source, all permits appropriating water from that source, and all held applications once every five years to determine the availability of unappropriated water. The first five-year review was conducted in 2020, so it is required for the second five-year review to be conducted in 2025.

Pursuant to SDCL 46-2A-7.6, if the Board determines that unappropriated water has become available from a fully appropriated aquifer during the five-year review, the Board shall make the unappropriated water available to the applications being held by the Chief Engineer based on priority established in SDCL 46-2A-7.2 and 46-2A-7.4. The Chief Engineer shall process held applications pursuant to SDCL 46-2A until such time as the Board determines the groundwater source to again, be fully appropriated. Any remaining applications shall continue to be held by the Chief Engineer for future five-year reviews by the board.

Pursuant to SDCL 46-6-3.1, 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 the water to the groundwater source. An exception allows water distribution systems to withdraw from groundwater sources older or stratigraphically lower than the Greenhorn Formation regardless of the results of a hydrologic budget. None of the held applications are a water distribution system as defined in SDCL 46-1-6(17) and the Tulare: Western Spink-Hitchcock aquifer is younger and stratigraphically higher than the Greenhorn Formation. Therefore, the Water Management Board must find that recharge to the aquifer exceeds withdrawals to approve any new applications or applications on hold.

Hydrologic Budget

Recharge

Recharge to the Tulare: Western Spink-Hitchcock aquifer occurs primarily through infiltration of precipitation where the aquifer is at or near land surface. Some recharge may occur from bedrock aquifers that are in contact with the Tulare: Western Spink-Hitchcock aquifer [12]. Some recharge could occur from infiltration of surface water if the stage of the surface water is higher than the water table of the aquifer. The amount of recharge to the aquifer is somewhat governed by withdrawals from the aquifer. When there are few withdrawals and storage in the aquifer is full, excess precipitation which could provide recharge bypasses the aquifer. Only when storage in the aquifer is less than full can recharge to the aquifer be measured directly (e.g. observation well analysis). Indirect methods of measuring recharge to the aquifer can include flow-net analysis and numerical modeling. The accuracy of these methods of analysis is dependent on the amount and quality of data available regarding information on precipitation, aquifer properties, withdrawals, evapotranspiration, and potentiometric surface.

Recharge to the Tulare aquifer management units in Beadle, Hand, and Spink Counties was published by Kuiper in 1984 [4] with a numerical groundwater flow model. The Tulare: Western Spink-Hitchcock aquifer most closely corresponds with Model Area A in the Kuiper [4] model (Figure 1). Kuiper used one-mile-square cells in a single layer to compare 1968 to 1978 observation well data to 1978 irrigation data. The Kuiper model produced an estimated average annual recharge of 0.83 inches per acre in area A, which meant the average annual recharge to the Tulare: Western Spink-Hitchcock aquifer was estimated to be 23,000 ac-ft/yr.

Hedges, Allen, and Holly [13] performed a flow-net analysis of the Tulare aquifer management units in 1985 and found an estimated recharge rate to the aquifer to be 0.24 inches per year. Based on observation well analysis, Hedges, Allen, and Holly [13] estimated the average annual

recharge to the aquifer was 2.0 inches per year in unconfined portions of the aquifer, but they did not provide a delineation of the unconfined area of the aquifer. For both the Hedges, Allen, and Holly [13] flow-net analysis and the Kuiper [4] numerical model, recharge estimates could be lower than the amount estimated if the aquifer was not under heavy utilization.

Buhler [14] used data from the Kuiper [4] model and subsequent mapping of first occurrence of aquifer materials in Spink, Beadle, and Hand Counties to provide a new delineation of the Tulare: Western Spink-Hitchcock aquifer to estimate the average annual recharge to the aquifer was 0.83 inches per year, for a total estimated recharge of 18,192 ac-ft/yr [1]. Farmer [1] found in the first five-year review of the Tulare: Western Spink-Hitchcock aquifer that the Buhler [5] estimate was the best information available to the Water Rights Program at the time. No further formal studies have occurred since the 2020 review. However, new water well completion reports and lithologic information indicate approximately 3,000 acres that Buhler estimated was part of the aquifer is not hydrologically connected to the Tulare: Western Spink-Hitchcock aquifer and is instead most likely Quaternary Alluvium [6] [7]. Therefore, by applying 0.83 inches per acre across the 260,539 acres in the current delineation of the aquifer, the estimated average annual recharge to the Tulare: Western Spink-Hitchcock aquifer is approximately 18,000 ac-ft/yr.

Discharge

Discharge from the Tulare: Western Spink-Hitchcock aquifer occurs through well withdrawals, evapotranspiration from areas where the aquifer is near land surface, outflow to surface water features when the stage of the surface water is below the water table of the aquifer, and possibly by outflow to other hydrologically connected aquifers [4].

Domestic self-supply

There are 270 wells on file with the Water Rights Program [7] that are likely to be completed into the Tulare: Western Spink-Hitchcock aquifer. Following the methodology of the Buhler [5] and Farmer reviews [1], domestic use is estimated at 7,000 gallons per well per month, which equates to an estimated average annual use from domestic self-supply of 70 ac-ft.

Appropriative water use

As of March 17, 2025, there are 153 water rights appropriating water from the Tulare: Western Spink-Hitchcock aquifer [9]. Two of those water rights are for commercial use but are no longer using their permits and may be subject to cancellation [9]. The 151 other water rights in the aquifer are for irrigation [9].

Farmer [1] estimated average annual withdrawal by irrigation, by finding the average reported irrigation per reported acre and multiplying that value across all permitted acres. Farmer [1] found the average reported irrigation per reported acre from 1979-2019 was 9.06 inches per year. The average reported irrigation per reported acre for the period of record of 1979-2024, inclusive, (excluding 1980-1982 due to lack of data) is 8.89 inches per year, which is 1.9% less than the average found by Farmer [1]. The total irrigation area licensed in the aquifer is 25,541.9 acres. Therefore, following Farmer's [1] method of estimation, which was previously accepted by the Board, the estimated average annual irrigation withdrawal from the Tulare: Western

Spink-Hitchcock aquifer is approximately 18,900 ac-ft/yr. Figure 2 shows the total irrigation reported in the Tulare: Western Spink-Hitchcock aquifer from 1979-2024, the period of record. Farmer [1, pp. 24-25] noted in the first review that using the entire period of record to average the withdrawals from the aquifer biases the average in favor of historical use when there were fewer appropriations. Farmer [1] provided estimated withdrawal rates using multiple time periods and utilization rates, with withdrawal estimates ranging from 11,845 to 19,709 ac-ft/yr. At the time, not all water permits had been developed and Farmer [1] indicated that more years of irrigation reporting with the existing permits and permits under development were required to gain confidence in the estimated average annual withdrawals.

Figure 3 shows a graph of the trends in irrigation practices over the period of record. In general, as time goes on, irrigators in the aquifer tend to irrigate a higher percentage of their permitted land in any given year but tend to use fewer inches of water per acre. This is likely due to increased efficiency in irrigation technology. Therefore, the average annual use by an individual irrigator or irrigation system may change over time even when there are no changes in permitted acres or diversion rate authority.

Since 2014, no new water permits have been issued which would increase appropriations from the Tulare: Western Spink-Hitchcock aquifer and by the summer of 2024, all permits in the aquifer had been inspected and licensed. Therefore, the average annual withdrawal by irrigation can be estimated by taking the average of reported irrigation, without assuming how much water an undeveloped permit might withdraw. To estimate the withdrawals by irrigation, the average reported withdrawal of each irrigation permit for the period of record of 1979 through 2024 was summed as shown in Table 3 (p. 17). Included is an analysis of annual withdrawals depending on whether each permit tended to increase, decrease, or stay the same over the period of record. By taking the average reported withdrawal over the period of record on a per-permit basis, the total estimated average annual withdrawal does not favor the record of irrigation reporting when there were fewer permits reporting in the aquifer. However, within a water right permit, irrigation practices may change due to circumstances such as new irrigation technology, financial incentives to grow different crops or grow them differently, etc. Therefore, the same calculations were performed for only the last ten years of record (2015-2024) shown in Table 4 (p. 21). Most irrigation permits tended to have a relatively stable use trend over both the 1979 – 2024 and 2015 – 2024 periods of record, as shown in Table 5 (p. 24). The sum of the average annual reported irrigation water use for the period of record of 1979 through 2024 is 13,212 ac-ft/yr. The sum of the average annual reported irrigation water use from 2015 through 2024 is 12,083 ac-ft/yr. The average from 2015 through 2024 is the value most likely to represent average annual irrigation withdrawals currently from the aquifer.

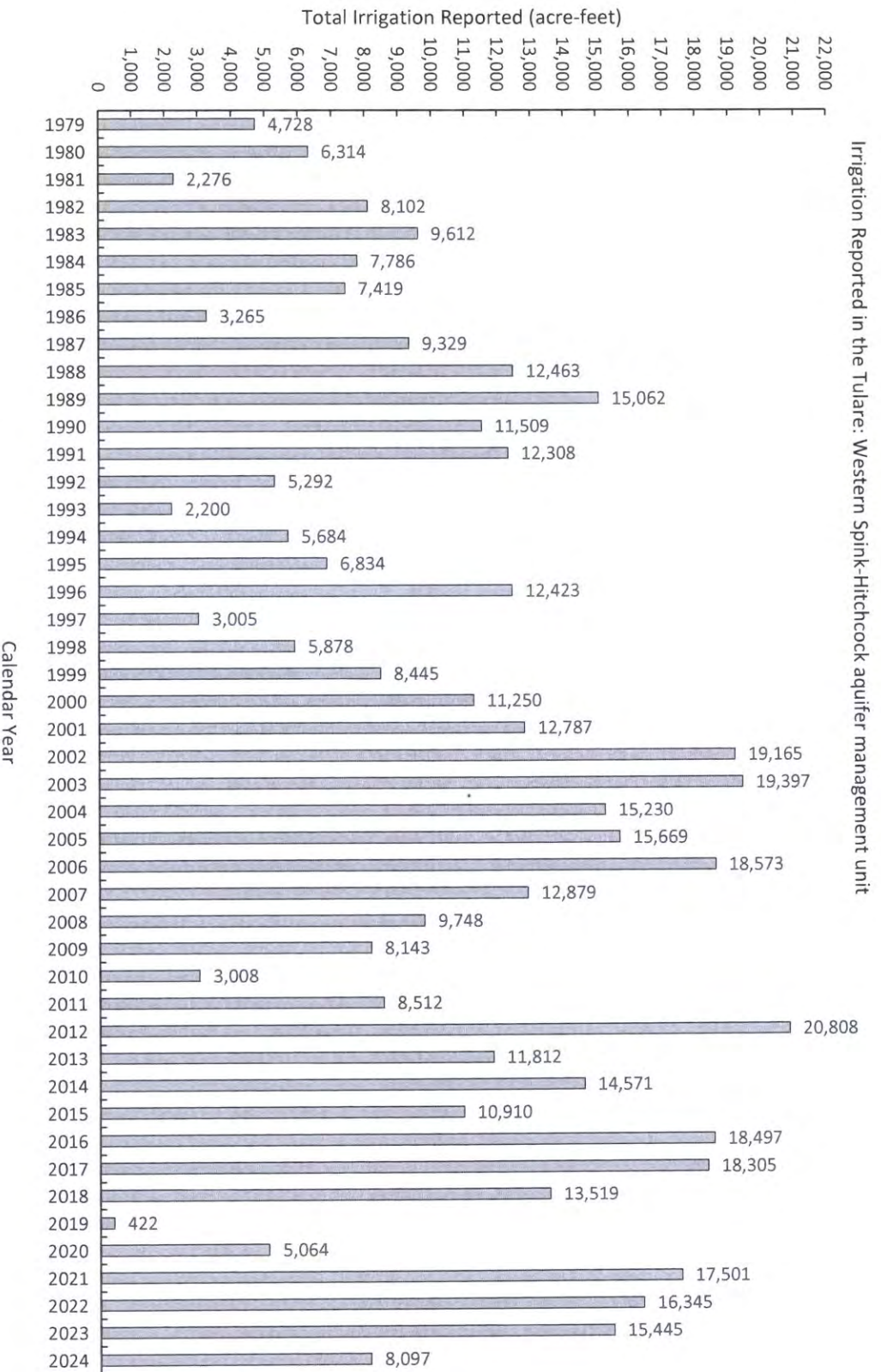


Figure 2: Irrigation reported in the Tulare: Western Spink-Hitchcock aquifer over the period of record of 1979-2024 [15] [16]

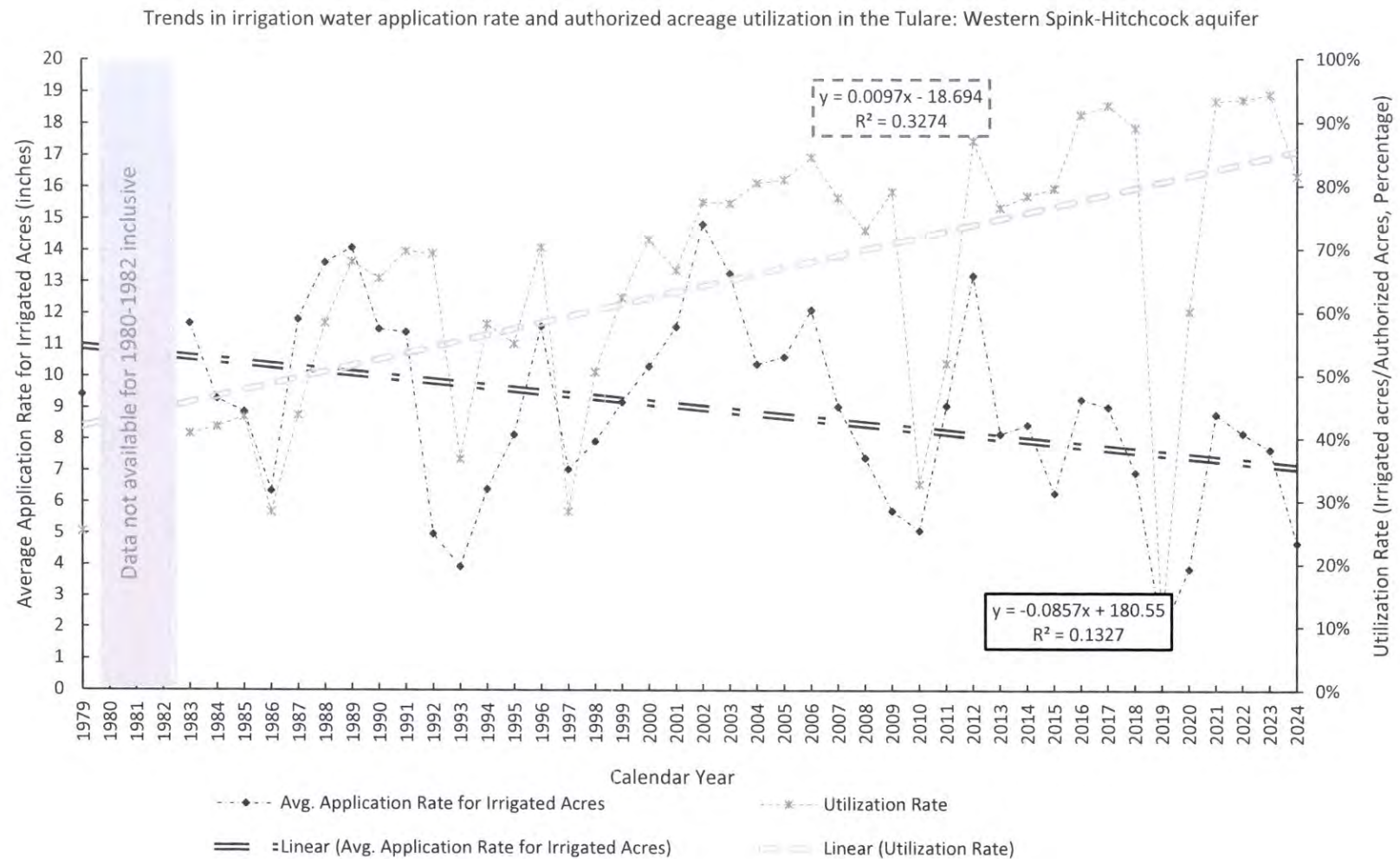


Figure 3: Trends in irrigation water application rate and authorized acreage utilization rate in the Tulare: Western Spink-Hitchcock aquifer [15]

Summary of Hydrologic Budget

The estimated recharge to the Tulare: Western Spink-Hitchcock aquifer, based on the currently delineated area and the 0.83 in/yr recharge rate from the 1984 Kuiper model, is 18,000 ac-ft/yr. However, this amount is uncertain due to changes in precipitation patterns, aquifer delineation, land use, and uncertainty of the original model given the amount of time and water use development since that model was created. The estimated average annual withdrawal due to irrigation is approximately 12,083 ac-ft/yr (Table 1). The estimated withdrawal for the two commercial use permits is zero ac-ft/yr. The estimated withdrawal for domestic self-supply is 70 ac-ft/yr. Therefore, the total estimated withdrawal from the Tulare: Western Spink-Hitchcock aquifer is 12,153 ac-ft/yr.

Table 1: Summary of various methods of estimating irrigation withdrawals [16] [15]

Irrigation withdrawal estimate method	Interval	Average (ac-ft/yr)
Irrigation Questionnaire Summaries	1979 - 2024	10,568
	2015 - 2024	12,411
Average by Permit	1979 - 2024	13,212
	2015 - 2024	12,083

There are 27 water permit applications on hold for the Tulare: Western Spink-Hitchcock aquifer, all for irrigation, which cumulatively propose to irrigate 5,214 acres [9]. Assuming the Kuiper [4] report per-acre recharge estimate is correct and the average annual recharge to the aquifer is 18,000 ac-ft/yr, the remaining recharge available for appropriation is 5,847 ac-ft/yr. Water Rights Staff use various values to estimate the amount an irrigation permit is likely to withdraw on average, ranging from 10 inches to two feet per year. Based on previous experience, Staff Engineer Drennon (the author) finds that 10 inches per year is a safe over-estimate for permit applications proposing to irrigate row crops east of the Missouri River. Using that value, the estimated average annual withdrawal from the 27 applications on hold would be 4,345 ac-ft/yr. Using the average reported irrigation rate from 2015-2024 of 6.631 inches per year and an average utilization rate of 79% of permitted acreage, the estimated average annual withdrawal from the held permits would be 2,276 ac-ft/yr [15]. Using the maximum reported irrigation rate from 2015-2024 of 9.237 inches per year and the maximum utilization rate of 94% of permitted acreage, the estimated average annual withdrawal from the held applications would be 3,773 ac-ft/yr [15]. Finally, over the period of record of 1979 and 1983 through 2024, using the maximum reported irrigation rate of 14.803 inches per year applied over the maximum utilization rate of 94%, the estimated average annual withdrawal from the 27 held permits would be 6,046 ac-ft/yr [15]. Given the trends and factors described above, the estimate using the maximum rate and utilization for the entire period of record is unlikely to be reflective of average annual withdrawals. Therefore, based on the hydrologic budget, there is reasonable probability unappropriated water is available for the 27 held permits, but the aquifer should once again be considered fully appropriated and new permit applications should be held pursuant to the applicable statute for fully appropriated aquifers. Out of an abundance of caution, if they are approved, qualifications should be placed on the 27 held permits providing a term limit and

terms by which curtailment may be enacted if it is found that average annual withdrawals exceed average annual recharge.

Observation Wells

Administrative Rule of South Dakota (ARSD) 74:02:05:07 requires that the Water Management Board rely upon the record of observation wells in addition to other data to determine the availability of unappropriated water. The Water Rights Program maintains 55 observation wells completed into the Tulare: Western Spink-Hitchcock aquifer. Four of these observation wells (SP-79FR, BD-80BR, SP-53AR, and SP-78BR) are intended to be replacement wells for the wells that have the same name as them minus the final *R*. These wells are pending review and analysis of the readings until finding they sufficiently match their predecessors, so there are effectively 51 unique observation wells completed into the Western Spink-Hitchcock management unit of the Tulare aquifer. For analysis of the observation wells in the aquifer, the wells were divided into 11 groups based on location in the aquifer. Figure 5 (p. 25) shows a map of the 11 groups. Figure 6 through Figure 16 (pp. 26-36) show the hydrographs of the observation wells in each group and elevations of the tops of the aquifer formation.

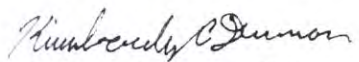
In his report on the first five-year review of the Tulare: Western Spink-Hitchcock aquifer, Farmer noted that the water levels in the aquifer had a tendency to decline over the period of 2013 through 2018. In his analysis, he treated the water level increase from 2019 as possibly anomalous and did not apply them to his conclusions. However, five additional years of irrigation reports, observation well, and climactic data are available. Indeed, 2019 was the wettest year on record for the region, but precipitation in the region has also been increasing with time and the precipitation from 2019 is not anomalous enough to ignore. Despite a period of near-continuous unusual dryness or drought in the area since the first five-year review (Figure 20) [17], water levels in the aquifer have remained relatively steady [3], and water elevations in areas far from the James River are higher than water elevations in areas near the James River, indicating the aquifer is discharging naturally.

In general, water levels in the aquifer rise during periods of higher-than-average precipitation and decline during periods of lower-than-average precipitation [18]. On average, precipitation in S.D. Climate Division 7 (Figure 17, p. 37) has been increasing over time. In a study done by Hullinger [19], flows in the James River have been increasing over the period of record available back to 1946. If use in the aquifer remains the same over time and precipitation and stream flow are increasing, then the water in storage in the aquifer should also be increasing provided the aquifer is not already at capacity. Indeed, as the period of record for observation wells in the Tulare: Western Spink-Hitchcock aquifer continues, a larger percentage of the observation well water levels are likely to be above the top of the aquifer. However, the amount of recharge cannot be directly measured from observation well water-level increases in observation wells under confined conditions. Water level fluctuations above the top of aquifer (confined aquifer areas) indicate a change in water pressure in the confined area of the aquifer, not a significant change in storage. Higher water pressure in the aquifer will cause the water stored in the aquifer to naturally discharge to other aquifers or surface water features which are in contact with the aquifer. Therefore, recharge to the aquifer is more than withdrawals, and based on observation

well analysis, there is unappropriated water available, but the exact amount cannot be known without comprehensive modeling of flows into and out of the aquifer.

Conclusions

1. The estimated average annual recharge to the Tulare: Western Spink-Hitchcock aquifer is 0.83 inches per year, based on a model run in 1984.
2. The estimated aerial extent of the Tulare: Western Spink-Hitchcock aquifer is approximately 260,000 acres.
3. Assuming the 0.83 inches per year recharge applies to the entire area of the aquifer, recharge to the Tulare: Western Spink-Hitchcock aquifer is approximately 18,000 ac-ft/yr.
4. The estimated average annual withdrawal from the Tulare: Western Spink-Hitchcock aquifer is 12,153 ac-ft/yr.
5. There are 27 water permit applications on hold in the Tulare: Western Spink-Hitchcock aquifer proposing to irrigate a combined total of 5,214 acres.
6. Assuming they irrigate at the average rate other irrigators in the aquifer have reported over the period of record of 2015 through 2024, the 27 held permits would withdraw an estimated average of 2,276 ac-ft/yr. Assuming they irrigate at the maximum rate reported over the period of record of 2015 through 2024, the 27 held permits would withdraw an estimated 3,773 ac-ft/yr.
7. Based on the hydrologic budget and observation well analysis, there is reasonable probability unappropriated water is available in this aquifer for the 27 held applications.
8. The Tulare: Western Spink-Hitchcock aquifer has areas which fluctuate between confined and unconfined depending on water use and climactic conditions.
9. Water level fluctuations above the top of the formation (changes in artesian head pressure for confined areas) do not represent changes in storage in that part of the aquifer, so changes in storage in the aquifer cannot be directly calculated from those values.
10. A heavily-used aquifer may induce more recharge than a little-used aquifer.
11. The only available model estimate of recharge was done during a period of time when the aquifer was less used than it is now.
12. Therefore, it is not possible to know the amount of water recharge to the aquifer based on direct observation well measurements, and a model of the aquifer is the only way to know how much water is recharging to the aquifer.
13. The creation and maintenance of a new model of the Tulare: Western Spink-Hitchcock aquifer to estimate the amount of unappropriated water available is highly recommended.
14. If the 27 held permits are approved, the aquifer should once again be considered fully appropriated until better information is available, including the observation well network response to further development.



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Glossary

Average (Avg.): a measure of central tendency. In this report, the average is the sum of all values in a set divided by the number of values in that set. Also known as arithmetic average or mean.

Coefficient of Determination (R^2). A measure by which one can assess if a trend line correlates well to the data. As the coefficient of determination approaches 100%, the trend line predicts 100% of the variance in the data set. If the coefficient of determination is 0%, the trend line shows no correlation to variance in data. It is the square of the Pearson correlation coefficient.

Confined. A state of an aquifer or part of an aquifer where water levels in observation wells rise above the top of the aquifer formation. Also known as “artesian” in South Dakota water law.

Minimum (Min.): The smallest value in a set of data.

Maximum (Max.): The largest value in a set of data.

Median: When a set of data is sorted from smallest to largest, the median is the value which falls in the middle.

Standard deviation (St. Dev.): A measure of how much values in a set vary from average. One standard deviation is the amount where, if added or subtracted from the average, approximately 68.2% of the data would fall within that range (Figure 4).

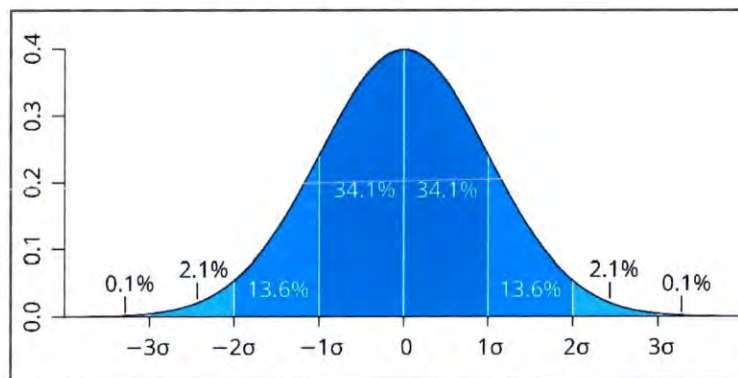


Figure 4: A diagram of a normal distribution and the standard deviations (σ) within it [20].

Unconfined. A state of an aquifer or part of an aquifer where water levels in observation wells are below the top of the aquifer formation. Also known as “water table” in South Dakota water law.

Year: Calendar Year: January 1 through December 31.

- **Water Year:** October 1 through September 30. The number of a water year corresponds to the larger proportion of the Calendar Year in which the Water Year falls. For example, Water Year 2025 is October 1, 2024 through September 30, 2025. The designation of water year versus calendar year is an attempt to keep climactically related phenomena within the same year designation.

Appendix A: Supplementary Tables

Table 2: Irrigation Reported from 1979 through 2024 [15] [16]

Year	No. Licenses	No. Permits	All License/ Permits	Authorized Acres	Acres Irrigated	Reported Irrigation (ac-ft/yr)	Avg. App. Rate for Irr. Acres (in/yr)	Utilization Rate (Irr. Acres/ Auth. Acres)
1979	49	83	132	23,781	6,018	4,728	9.429	25%
1980	60	71	131	23,103	N/A	6,314	N/A	N/A
1981	61	77	138	23,955	N/A	2,276	N/A	N/A
1982	61	88	149	25,513	N/A	8,102	N/A	N/A
1983	75	69	144	24,154	9,883	9,612	11.671	41%
1984	82	62	144	24,006	10,068	7,786	9.280	42%
1985	83	55	138	23,047	10,034	7,419	8.873	44%
1986	86	49	135	21,716	6,164	3,265	6.356	28%
1987	87	47	134	21,660	9,487	9,329	11.800	44%
1988	92	29	121	18,818	10,997	12,463	13.600	58%
1989	96	23	119	18,852	12,842	15,062	14.074	68%
1990	96	19	115	18,368	12,024	11,509	11.486	65%
1991	95	20	115	18,590	12,973	12,308	11.385	70%
1992	96	19	115	18,429	12,792	5,292	4.964	69%
1993	96	20	116	18,280	6,728	2,200	3.924	37%
1994	96	19	115	18,330	10,671	5,684	6.392	58%
1995	97	15	112	18,304	10,085	6,834	8.131	55%
1996	97	16	113	18,304	12,891	12,423	11.564	70%
1997	105	5	110	18,077	5,136	3,005	7.021	28%
1998	106	3	109	17,620	8,916	5,878	7.912	51%
1999	106	4	110	17,756	11,069	8,445	9.155	62%
2000	106	8	114	18,308	13,107	11,250	10.300	72%
2001	105	19	124	19,906	13,287	12,787	11.548	67%
2002	107	17	124	20,038	15,536	19,165	14.803	78%
2003	108	28	136	22,745	17,582	19,397	13.239	77%
2004	102	27	129	21,886	17,630	15,230	10.366	81%
2005	102	28	130	21,886	17,744	15,669	10.597	81%
2006	105	25	130	21,821	18,456	18,573	12.076	85%
2007	103	28	131	21,943	17,146	12,879	9.014	78%
2008	119	14	133	21,709	15,850	9,748	7.380	73%
2009	126	4	130	21,698	17,170	8,143	5.692	79%
2010	126	5	131	21,743	7,118	3,008	5.071	33%
2011	125	6	131	21,772	11,301	8,512	9.039	52%
2012	125	6	131	21,772	19,101	21,095	13.253	88%
2013	123	14	137	22,718	17,399	11,812	8.147	77%
2014	121	38	159	26,430	21,131	14,804	8.407	80%
2015	119	42	161	26,278	20,918	10,910	6.259	80%
2016	118	44	162	26,337	24,029	18,497	9.237	91%
2017	124	39	163	26,336	24,404	18,305	9.001	93%
2018	124	39	163	26,336	23,468	13,519	6.913	89%
2019	126	36	162	26,235	2,732	422	1.851	10%
2020	147	11	158	26,308	15,817	5,064	3.842	60%
2021	147	8	155	25,721	24,000	17,501	8.751	93%

Year	No. Licenses	No. Permits	All License/ Permits	Authorized Acres	Acres Irrigated	Reported Irrigation (ac-ft/yr)	Avg. App. Rate for Irr. Acres (in/yr)	Utilization Rate (Irr. Acres/ Auth. Acres)
2022	147	8	155	25,721	24,066	16,345	8.150	94%
2023	147	8	155	25,721	24,272	15,445	7.636	94%
2024	151	0	151	25,542	20,825	8,097	4.666	82%
From 1979 through 2024								
Min.	49	0	109	17,620	2,732	422	1.851	10%
Max.	151	88	163	26,430	24,404	21,095	14.803	94%
Avg.	106	28	134	22,121	14,485	10,568	8.890	65%
From 2015 through 2024								
Min.	118	0	151	25,542	2,732	422	1.851	10%
Max.	151	44	163	26,337	24,404	18,497	9.237	94%
Avg.	135	24	159	26,053	20,453	12,411	6.631	79%

Calculation methods for Table 3 and Table 4. Calculations done using Microsoft Excel for Microsoft Office 365 (Version 2408 Build 16.0.17928.20572) 64-bit.

1. Average: sum of all reports divided by number of reports.
2. Standard Deviation: STDEV.P([REPORTS]) or STDEV.S([REPORTS]) depending on context.
3. Coefficient of Determination: PEARSON([REPORTS], [RANGE OF YEARS])^2
4. Trend (ac-ft/yr): FORECAST.LINEAR(2025, [REPORTS], [RANGE OF YEARS])-FORECAST.LINEAR(2024, [REPORTS], [RANGE OF YEARS])
5. Trend (% Avg.): Trend (ac-ft/yr) divided by Average.
6. Trend (in/yr): Trend (ac-ft/yr) divided by Licensed Acres.
7. Trend Assessment:
 - Significant – Trend (in/yr) minus Average of Trends (in/yr) exceeds two standard deviations.
 - Moderate – Trend (in/yr) minus Average of Trends (in/yr) is between one and two standard deviations.
 - No significant trend – Trend (in/yr) minus Average of Trends (in/yr) is less than one standard deviation.
 - Increase – Values tend to rise from year to year.
 - Decrease – Values tend to decline from year to year.
8. Rows starting with **Total** and below are calculated based on the above column, except **Total Trend (in/yr)**, which is calculated using the same method as the rows for that column using the Total of Trend (ac-ft/yr) and Total Licensed Acres.

Table 3: Irrigation reported statistics per permit (1979-2024) [15] [16]

Permit No.	Lic. Acres	No. Reports	Average (ac-ft/yr)	St. Dev. (ac-ft/yr)	R ²	Trend (ac-ft/yr)	Trend (% Avg.)	Trend (in/yr)	Trend Assessment
130A-3	75	35	63.61	63.88	29.54%	-3.44	-5.4%	-0.55	≈
149-3	320	46	90.75	74.21	1.15%	0.60	0.7%	0.02	≈
246-3	160	46	65.35	43.48	13.80%	1.22	1.9%	0.09	≈
398-3	140	46	80.20	103.48	4.95%	-1.73	-2.2%	-0.15	≈
471-3	160	46	120.91	85.54	0.10%	0.21	0.2%	0.02	≈
472A-3	140	18	54.00	55.12	1.96%	1.49	2.8%	0.13	≈
498-3	320	46	113.32	122.87	0.03%	-0.15	-0.1%	-0.01	≈
563-3	296	46	125.25	115.24	1.91%	-1.20	-1.0%	-0.05	≈
782A-3	136	10	122.28	91.87	2.35%	-4.91	-4.0%	-0.43	≈
839-3	160	46	125.12	95.63	0.05%	0.16	0.1%	0.01	≈
960-3	624	46	108.25	111.02	1.49%	-1.02	-0.9%	-0.02	≈
962-3	160	46	55.23	62.88	0.78%	0.42	0.8%	0.03	≈
971-3	156	46	154.12	87.45	0.07%	-0.18	-0.1%	-0.01	≈
1040-3	160	46	81.82	86.68	0.66%	-0.53	-0.6%	-0.04	≈
1203-3	181	46	80.99	76.32	0.33%	-0.33	-0.4%	-0.02	≈
1423-3	132	46	68.67	55.93	6.64%	1.09	1.6%	0.10	≈
1424-3	254	46	25.70	41.86	6.56%	0.81	3.1%	0.04	≈
1509-3	135	46	87.46	52.53	3.50%	0.74	0.8%	0.07	≈
1512-3	135	46	85.40	60.03	1.54%	0.56	0.7%	0.05	≈
1523-3	131	46	57.84	59.05	4.48%	0.94	1.6%	0.09	≈
1571-3	160	46	79.10	63.03	6.29%	1.19	1.5%	0.09	≈
1600-3	132	46	76.35	62.23	4.59%	1.00	1.3%	0.09	≈
1708-3	160	46	66.97	59.17	0.02%	-0.06	-0.1%	0.00	≈
1725-3	149	46	143.48	77.20	2.33%	0.89	0.6%	0.07	≈
1923-3	136	46	71.99	71.86	0.09%	-0.16	-0.2%	-0.01	≈
2078A-3	132	9	50.11	33.99	2.80%	2.20	4.4%	0.20	≈
2078-3	792	46	401.34	450.51	0.03%	-0.55	-0.1%	-0.01	≈
2278-3	136	46	115.01	48.25	17.03%	-1.50	-1.3%	-0.13	≈
2422-3	135	46	122.68	55.62	6.72%	-1.09	-0.9%	-0.10	≈
2428A-3	136	24	140.08	75.10	14.14%	-4.08	-2.9%	-0.36	≈
2440-3	132	46	50.23	52.25	16.72%	1.61	3.2%	0.15	≈
2471B-3	202	32	79.33	67.95	2.72%	-1.21	-1.5%	-0.07	≈
2476-3	96	46	66.87	59.64	0.04%	-0.09	-0.1%	-0.01	≈
2486-3	125	46	63.19	55.78	25.84%	-2.14	-3.4%	-0.21	≈
2487-3	136	46	104.14	93.38	0.15%	-0.27	-0.3%	-0.02	≈
2592A-3	131	39	92.19	69.20	1.46%	0.74	0.8%	0.07	≈
2659-3	132	46	55.29	58.10	1.74%	-0.58	-1.0%	-0.05	≈
2853-3	132	46	60.62	87.12	1.01%	0.66	1.1%	0.06	≈
2976A-3	126	30	93.59	47.95	14.96%	-2.14	-2.3%	-0.20	≈
3045-3	120	39	40.28	42.15	2.30%	-0.57	-1.4%	-0.06	≈
3046-3	130	46	35.60	57.21	0.09%	-0.13	-0.4%	-0.01	≈
3052-3	180	46	109.30	59.86	4.21%	-0.93	-0.8%	-0.06	≈
3053A-3	130	10	84.98	45.86	20.27%	7.19	8.5%	0.66	↑
3065B-3	130	17	82.99	59.37	8.61%	-3.56	-4.3%	-0.33	≈
3126-3	136	46	58.68	62.01	0.41%	-0.30	-0.5%	-0.03	≈
3162A-3	267	39	201.64	142.57	2.06%	1.82	0.9%	0.08	≈

Permit No.	Lic. Acres	No. Reports	Average (ac-ft/yr)	St. Dev. (ac-ft/yr)	R ²	Trend (ac-ft/yr)	Trend (% Avg.)	Trend (in/yr)	Trend Assessment
3164-3	136	46	71.97	73.66	10.61%	-1.81	-2.5%	-0.16	≈
3172-3	136	46	63.45	47.83	7.26%	0.97	1.5%	0.09	≈
3174A-3	138	39	105.31	58.43	3.05%	0.91	0.9%	0.08	≈
3191-3	118	46	59.27	48.58	0.61%	0.29	0.5%	0.03	≈
3192-3	132	46	79.06	64.19	0.03%	0.08	0.1%	0.01	≈
3261-3A	130	44	107.75	45.24	4.84%	-0.78	-0.7%	-0.07	≈
3321A-3	120	10	19.52	17.19	4.07%	-1.21	-6.2%	-0.12	≈
3603-3	132	46	76.31	62.43	2.58%	0.75	1.0%	0.07	≈
3860-3	136	46	116.43	77.46	0.28%	-0.31	-0.3%	-0.03	≈
3861-3	109	46	42.78	27.56	1.23%	-0.23	-0.5%	-0.03	≈
4134A-3	128	10	90.11	96.47	13.23%	12.22	13.6%	1.15	↑↑
4167-3	132	46	69.39	57.55	3.10%	0.76	1.1%	0.07	≈
4194-3	90	46	26.20	22.17	0.16%	-0.07	-0.3%	-0.01	≈
4308-3	184	46	86.71	57.80	11.29%	1.46	1.7%	0.10	≈
4350-3	132	46	106.00	90.53	2.09%	0.99	0.9%	0.09	≈
4400A-3	102	38	61.20	52.79	1.96%	-0.67	-1.1%	-0.08	≈
4482-3	132	44	65.37	44.39	7.65%	-0.97	-1.5%	-0.09	≈
4550-3	264	44	120.57	140.13	0.29%	-0.59	-0.5%	-0.03	≈
4591-3	132	44	114.31	78.49	13.36%	-2.26	-2.0%	-0.21	≈
4622A-3	130	14	61.03	42.11	0.17%	0.43	0.7%	0.04	≈
4703-3	130	43	92.07	54.09	18.49%	-1.87	-2.0%	-0.17	≈
4794B-3	278	9	135.46	76.46	5.27%	6.80	5.0%	0.29	≈
4794C-3	124	9	71.38	28.11	3.66%	-2.08	-2.9%	-0.20	≈
4819-3	121	43	134.15	50.57	17.08%	-1.68	-1.3%	-0.17	≈
4912A-3*	165	18	26.35	44.16	18.53%	-1.90	-7.2%	-0.14	≈
4912B-3	136	24	50.25	39.60	6.58%	1.47	2.9%	0.13	≈
4935-3	184	42	56.26	69.90	2.11%	0.84	1.5%	0.05	≈
5035-3	135	40	107.35	54.87	0.23%	0.23	0.2%	0.02	≈
5123-3	136	37	85.16	52.68	0.33%	-0.28	-0.3%	-0.02	≈
5149-3	132	37	92.91	59.36	0.47%	-0.38	-0.4%	-0.03	≈
5162-3	132	37	83.53	54.96	3.29%	0.93	1.1%	0.08	≈
5163-3	132	37	92.96	57.03	0.24%	0.26	0.3%	0.02	≈
5182-3	279	36	138.52	100.42	0.14%	0.36	0.3%	0.02	≈
5231-3	162	35	39.68	45.85	0.69%	0.37	0.9%	0.03	≈
5234-3	128	36	45.52	52.70	0.10%	-0.16	-0.3%	-0.01	≈
5266-3	129	36	109.90	50.81	2.19%	0.72	0.7%	0.07	≈
5301-3	132	35	79.35	59.80	8.85%	1.76	2.2%	0.16	≈
5390-3	272	34	140.85	84.08	14.23%	-3.23	-2.3%	-0.14	≈
5568-3	122	33	170.54	75.42	0.06%	-0.20	-0.1%	-0.02	≈
5601-3	5	33	18.61	38.45	29.62%	-2.20	-11.8%	-5.27	↓↓
5634-3	266	32	184.20	112.14	0.12%	0.43	0.2%	0.02	≈
5671-3	263	32	195.17	112.50	2.36%	-1.87	-1.0%	-0.09	≈
5798-3	132	30	48.05	45.28	14.03%	-1.96	-4.1%	-0.18	≈
5897-3	268	29	165.04	108.56	1.47%	-1.58	-1.0%	-0.07	≈
6108-3	304	26	101.57	60.32	11.07%	2.68	2.6%	0.11	≈
6142-3	240	25	203.32	62.66	0.59%	0.67	0.3%	0.03	≈
6159-3	128	25	74.25	38.45	2.17%	-0.79	-1.1%	-0.07	≈
6160-3	136	25	56.92	48.42	0.49%	-0.47	-0.8%	-0.04	≈

Second Five-Year Report on Tulare: Western Spink-Hitchcock Aquifer
Appendix A: Table 3 (cont.)

2025

Permit No.	Lic. Acres	No. Reports	Average (ac-ft/yr)	St. Dev. (ac-ft/yr)	R ²	Trend (ac-ft/yr)	Trend (% Avg.)	Trend (in/yr)	Trend Assessment
6175-3	136	25	88.94	66.65	0.00%	-0.04	0.0%	0.00	≈
6184-3	270	24	136.68	94.31	39.87%	-8.60	-6.3%	-0.38	≈
6196-3	136	24	79.29	39.48	0.85%	-0.53	-0.7%	-0.05	≈
6200-3	136	24	73.26	56.29	4.45%	-1.72	-2.3%	-0.15	≈
6201B-3	132	12	95.92	48.78	4.76%	-3.08	-3.2%	-0.28	≈
6201C-3	264	11	125.19	78.64	2.38%	-3.84	-3.1%	-0.17	≈
6201D-3	132	11	48.82	38.63	29.78%	-6.67	-13.7%	-0.61	↓
6234-3	134	24	112.62	48.66	0.21%	0.32	0.3%	0.03	≈
6238-3	130	24	90.31	52.19	0.89%	-0.71	-0.8%	-0.07	≈
6239-3	260	24	131.31	85.16	2.56%	1.97	1.5%	0.09	≈
6240-3	132	24	73.17	38.68	2.16%	0.82	1.1%	0.07	≈
6288-3	136	23	44.31	32.43	10.64%	-1.59	-3.6%	-0.14	≈
6312A-3	264	17	49.29	52.23	60.49%	-8.29	-16.8%	-0.38	≈
6312-3	132	21	92.16	66.59	17.72%	-4.42	-4.8%	-0.40	≈
6331A-3	132	17	90.61	48.01	2.28%	1.48	1.6%	0.13	≈
6332-3	136	22	67.00	47.07	5.13%	-1.68	-2.5%	-0.15	≈
6333A-3	215	17	73.13	65.36	1.56%	-1.67	-2.3%	-0.09	≈
6333B-3	134	17	83.22	66.40	0.30%	0.74	0.9%	0.07	≈
6334A-3	132	22	98.24	67.25	13.44%	-3.89	-4.0%	-0.35	≈
6334B-3	132	22	42.80	65.63	8.76%	3.06	7.2%	0.28	≈
6336-3	136	22	117.19	73.09	3.61%	-2.19	-1.9%	-0.19	≈
6337-3	272	22	253.59	132.28	6.86%	-5.46	-2.2%	-0.24	≈
6338A-3	68	18	29.27	30.94	14.62%	-2.28	-7.8%	-0.40	≈
6338-3	264	22	136.20	112.29	8.09%	5.03	3.7%	0.23	≈
6339A-3	132	22	93.26	54.33	0.59%	-0.66	-0.7%	-0.06	≈
6340-3	132	22	77.16	63.38	2.91%	1.70	2.2%	0.15	≈
6343A-3	132	8	70.53	45.16	0.28%	-1.04	-1.5%	-0.09	≈
6343B-3	132	8	27.51	22.83	0.70%	0.83	3.0%	0.08	≈
6764-3	272	18	252.05	137.42	6.73%	-6.87	-2.7%	-0.30	≈
7289-3	270	12	128.36	84.29	5.32%	-5.63	-4.4%	-0.25	≈
7290-3	135	12	108.32	68.23	10.58%	6.43	5.9%	0.57	↑
7291-3	135	12	93.44	73.07	8.23%	6.07	6.5%	0.54	↑
7292A-3	133	8	76.20	60.21	1.46%	-3.17	-4.2%	-0.29	≈
7292B-3	133	8	76.44	60.28	1.30%	-3.00	-3.9%	-0.27	≈
7293-3	135	12	84.35	56.12	0.64%	-1.30	-1.5%	-0.12	≈
7373-3	152	12	89.07	31.56	16.11%	-3.67	-4.1%	-0.29	≈
7551-3	219	11	122.88	58.53	4.65%	-3.99	-3.2%	-0.22	≈
7570-3	259	11	64.01	48.56	5.47%	3.59	5.6%	0.17	≈
7571A-3	270	9	59.98	42.07	2.17%	2.40	4.0%	0.11	≈
7572B-3	135	9	81.73	36.93	9.65%	-4.44	-5.4%	-0.39	≈
7573A-3	156	9	99.80	47.78	12.16%	-6.45	-6.5%	-0.50	≈
7573-3	134	11	34.67	32.29	1.75%	1.35	3.9%	0.12	≈
7574-3	268	11	50.20	49.19	11.22%	5.21	10.4%	0.23	≈
7575B-3	134	11	12.47	18.12	1.15%	0.62	4.9%	0.06	≈
7620A-3	72	9	33.88	30.40	4.79%	-2.58	-7.6%	-0.43	≈
7620B-3	64	9	28.02	17.79	15.98%	-2.75	-9.8%	-0.52	≈
7637-3	135	11	40.68	30.93	12.55%	-3.47	-8.5%	-0.31	≈
7639-3	135	11	61.84	37.04	6.29%	2.94	4.8%	0.26	≈

Permit No.	Lic. Acres	No. Reports	Average (ac-ft/yr)	St. Dev. (ac-ft/yr)	R ²	Trend (ac-ft/yr)	Trend (% Avg.)	Trend (in/yr)	Trend Assessment
7640-3	156	11	99.49	43.95	2.90%	-2.37	-2.4%	-0.18	≈
7685-3	75	11	59.22	31.14	15.60%	-3.89	-6.6%	-0.62	↓
7716-3	135	11	5.56	6.32	48.56%	1.39	25.1%	0.12	≈
7718A-3	135	10	77.31	31.50	9.08%	-3.30	-4.3%	-0.29	≈
7720-3	135	11	39.67	30.78	8.32%	-2.81	-7.1%	-0.25	≈
7721-3	344	11	31.68	30.72	54.20%	7.15	22.6%	0.25	≈
7723-3	405	11	79.60	76.48	35.58%	14.43	18.1%	0.43	↑
7724-3	300	11	38.60	38.69	9.76%	3.82	9.9%	0.15	≈
7725C-3	135	10	27.48	31.18	1.02%	1.10	4.0%	0.10	≈
Total	25,542	4,399	13,212.35	9,579.35	--	-46.08	--	-0.02	≈
Average	169	29	87.50	63.44	7.02%	-0.31	-0.2%	-0.07	--
St.Dev	90	15	49.62	40.61	10.06%	3.08	5.1%	0.48	--
Min	5	8	5.56	6.32	0.00%	-8.60	-16.8%	-5.27	--
Max	792	46	401.34	450.51	60.49%	14.43	25.1%	1.15	--
Median	135	30	79.60	57.55	2.91%	-0.23	-0.3%	-0.02	--

* Water Right No. 4912A-3 has not reported irrigation since 2002, as ownership of the water right was unclear. This water right may be subject to cancellation due to abandonment or forfeiture [21].

Table 4: Irrigation reported statistics per permit (2015-2024) [15]

Permit No.	Lic. Acres	No. Reports	Average (ac-ft/yr)	St. Dev. (ac-ft/yr)	R ²	Trend (ac-ft/yr)	Trend (% Avg.)	Trend (in/yr)	Trend Assessment
130A-3	75	10	31.13	19.11	0.0%	-0.11	-0.35%	-0.02	≈
149-3	320	10	85.94	74.97	7.0%	6.54	7.61%	0.25	≈
246-3	160	10	89.14	40.11	0.9%	-1.28	-1.43%	-0.10	≈
398-3	140	10	37.11	30.03	11.8%	-3.40	-9.17%	-0.29	≈
471-3	160	10	136.67	101.79	24.5%	-16.62	-12.16%	-1.25	↓↓
472A-3	140	10	58.28	49.80	0.2%	-0.74	-1.27%	-0.06	≈
498-3	320	10	124.10	90.62	23.3%	-14.46	-11.65%	-0.54	≈
563-3	296	10	98.08	55.74	4.5%	3.89	3.97%	0.16	≈
782A-3	136	10	122.28	96.84	2.4%	-4.91	-4.01%	-0.43	≈
839-3	160	10	122.86	50.11	0.2%	0.78	0.64%	0.06	≈
960-3	624	10	93.08	93.26	0.0%	0.14	0.15%	0.00	≈
962-3	160	10	68.40	59.63	39.1%	-12.32	-18.01%	-0.92	↓
971-3	156	10	142.87	93.11	0.5%	2.21	1.54%	0.17	≈
1040-3	160	10	58.97	46.11	0.0%	0.26	0.44%	0.02	≈
1203-3	181	10	55.33	34.48	0.1%	-0.26	-0.48%	-0.02	≈
1423-3	132	10	70.98	32.70	8.5%	-3.15	-4.44%	-0.29	≈
1424-3	254	10	63.25	40.33	1.3%	1.49	2.36%	0.07	≈
1509-3	135	10	78.08	40.80	14.5%	5.13	6.57%	0.46	↑
1512-3	135	10	55.90	43.37	7.8%	-3.99	-7.14%	-0.35	≈
1523-3	131	10	58.75	34.22	1.9%	1.55	2.64%	0.14	≈
1571-3	160	10	87.59	61.25	14.0%	-7.57	-8.65%	-0.57	≈
1600-3	132	10	82.31	59.81	18.3%	-8.45	-10.27%	-0.77	↓
1708-3	160	10	70.88	62.93	0.1%	-0.74	-1.04%	-0.06	≈
1725-3	149	10	133.86	62.17	0.1%	0.70	0.52%	0.06	≈
1923-3	136	10	60.25	31.71	1.2%	-1.17	-1.94%	-0.10	≈
2078A-3	132	9	50.11	36.05	2.8%	2.20	4.40%	0.20	≈
2078-3	792	10	220.44	192.31	57.0%	-47.96	-21.76%	-0.73	↓
2278-3	136	10	97.62	41.21	0.0%	-0.12	-0.12%	-0.01	≈
2422-3	135	10	116.90	72.99	3.3%	4.39	3.75%	0.39	≈
2428A-3	136	10	109.29	66.60	0.3%	1.25	1.14%	0.11	≈
2440-3	132	10	69.76	48.46	1.4%	-1.90	-2.72%	-0.17	≈
2471B-3	202	10	61.17	37.62	18.2%	-5.30	-8.66%	-0.31	≈
2476-3	96	10	61.90	45.66	33.3%	-8.70	-14.06%	-1.09	↓
2486-3	125	10	29.49	19.80	1.6%	-0.83	-2.81%	-0.08	≈
2487-3	136	10	85.67	75.88	3.4%	4.63	5.41%	0.41	≈
2592A-3	131	10	74.32	43.66	11.7%	-4.94	-6.64%	-0.45	≈
2659-3	132	10	55.98	60.24	0.0%	0.16	0.29%	0.01	≈
2853-3	132	10	118.13	114.67	31.4%	21.22	17.97%	1.93	↑↑
2976A-3	126	10	72.69	62.55	14.0%	-7.73	-10.63%	-0.74	↓
3045-3	120	10	25.59	47.88	14.2%	-5.97	-23.32%	-0.60	≈
3046-3	130	10	37.71	44.97	19.1%	6.49	17.20%	0.60	↑
3052-3	180	10	85.64	41.98	11.8%	4.76	5.56%	0.32	≈
3053A-3	130	10	84.98	48.35	20.3%	7.19	8.46%	0.66	↑
3065B-3	130	10	64.21	34.55	0.6%	-0.87	-1.36%	-0.08	≈
3126-3	136	10	36.25	37.07	14.4%	-4.64	-12.81%	-0.41	≈
3162A-3	267	10	183.56	114.63	14.1%	-14.23	-7.75%	-0.64	↓
3164-3	136	10	50.86	33.33	9.4%	3.37	6.63%	0.30	≈

Permit No.	Lic. Acres	No. Reports	Average (ac-ft/yr)	St. Dev. (ac-ft/yr)	R ²	Trend (ac-ft/yr)	Trend (% Avg.)	Trend (in/yr)	Trend Assessment
3172-3	136	10	60.01	36.47	4.3%	2.48	4.14%	0.22	≈
3174A-3	138	10	109.84	45.46	0.8%	-1.38	-1.25%	-0.12	≈
3191-3	118	10	60.15	59.96	17.0%	-8.16	-13.56%	-0.83	↓
3192-3	132	10	75.30	44.81	12.6%	-5.25	-6.97%	-0.48	≈
3261-3A	130	10	97.21	40.34	5.7%	3.18	3.27%	0.29	≈
3321A-3	120	10	19.52	18.12	4.1%	-1.21	-6.19%	-0.12	≈
3603-3	132	10	81.81	71.37	3.7%	-4.51	-5.51%	-0.41	≈
3860-3	136	10	78.96	61.67	4.3%	-4.24	-5.37%	-0.37	≈
3861-3	109	10	22.46	11.06	0.1%	-0.09	-0.40%	-0.01	≈
4134A-3	128	10	90.11	101.69	13.2%	12.22	13.56%	1.15	↑↑
4167-3	132	10	84.70	58.62	1.9%	2.67	3.15%	0.24	≈
4194-3	90	10	29.42	17.47	0.6%	0.46	1.57%	0.06	≈
4308-3	184	10	109.32	46.46	1.7%	-2.02	-1.85%	-0.13	≈
4350-3	132	10	109.55	76.73	41.9%	-16.40	-14.97%	-1.49	↓↓
4400A-3	102	10	36.09	20.50	5.3%	-1.57	-4.34%	-0.18	≈
4482-3	132	10	56.04	28.26	1.1%	0.98	1.76%	0.09	≈
4550-3	264	10	109.42	73.09	2.9%	-4.14	-3.78%	-0.19	≈
4591-3	132	10	78.86	54.40	3.1%	3.14	3.98%	0.29	≈
4622A-3	130	10	64.23	34.52	2.9%	-1.95	-3.04%	-0.18	≈
4703-3	130	10	56.02	43.70	10.4%	4.66	8.32%	0.43	≈
4794B-3	278	9	135.46	81.10	5.3%	6.80	5.02%	0.29	≈
4794C-3	124	9	71.38	29.81	3.7%	-2.08	-2.92%	-0.20	≈
4819-3	121	10	99.34	48.30	0.5%	-1.10	-1.11%	-0.11	≈
4912A-3*	165	0	0.00	0.00	N/A	0.00	N/A	0.00	≈
4912B-3	136	10	67.58	34.46	2.1%	1.66	2.45%	0.15	≈
4935-3	184	10	65.27	72.67	4.2%	4.90	7.51%	0.32	≈
5035-3	135	10	102.12	45.93	8.0%	-4.29	-4.20%	-0.38	≈
5123-3	136	10	78.76	59.29	12.7%	-6.98	-8.86%	-0.62	≈
5149-3	132	10	83.67	63.64	6.4%	-5.30	-6.33%	-0.48	≈
5162-3	132	10	79.28	43.02	1.2%	-1.57	-1.99%	-0.14	≈
5163-3	132	10	89.77	57.04	6.9%	-4.94	-5.50%	-0.45	≈
5182-3	279	10	127.22	80.89	0.4%	1.68	1.32%	0.07	≈
5231-3	162	9	56.30	46.74	1.0%	1.43	2.54%	0.11	≈
5234-3	128	10	52.91	59.17	0.0%	-0.02	-0.04%	0.00	≈
5266-3	129	10	108.42	40.04	20.9%	-6.05	-5.58%	-0.56	≈
5301-3	132	10	93.53	62.28	4.4%	4.33	4.63%	0.39	≈
5390-3	272	10	72.24	43.05	0.6%	-1.13	-1.56%	-0.05	≈
5568-3	122	10	166.74	73.57	1.1%	2.59	1.55%	0.26	≈
5601-3	5	10	4.49	7.86	35.7%	1.55	34.58%	3.72	↑↑
5634-3	266	10	183.04	130.62	2.2%	-6.41	-3.50%	-0.29	≈
5671-3	263	10	128.20	107.79	10.8%	-11.71	-9.13%	-0.53	≈
5798-3	132	10	21.79	23.02	8.3%	-2.19	-10.04%	-0.20	≈
5897-3	268	10	149.96	115.74	4.4%	-8.01	-5.34%	-0.36	≈
6108-3	304	10	116.37	73.15	0.0%	0.02	0.02%	0.00	≈
6142-3	240	10	211.46	75.53	0.0%	0.09	0.04%	0.00	≈
6159-3	128	10	70.78	32.69	0.0%	0.10	0.14%	0.01	≈
6160-3	136	10	64.52	52.70	3.2%	-3.10	-4.80%	-0.27	≈
6175-3	136	10	78.16	45.96	19.6%	-6.73	-8.61%	-0.59	≈

Permit No.	Lic. Acres	No. Reports	Average (ac-ft/yr)	St. Dev. (ac-ft/yr)	R ²	Trend (ac-ft/yr)	Trend (% Avg.)	Trend (in/yr)	Trend Assessment
6184-3	270	10	75.81	50.01	2.3%	-2.49	-3.28%	-0.11	≈
6196-3	136	10	68.40	32.46	0.2%	0.51	0.75%	0.05	≈
6200-3	136	10	45.02	39.32	49.1%	-9.10	-20.22%	-0.80	↓
6201B-3	132	10	86.12	45.42	2.4%	2.35	2.72%	0.21	≈
6201C-3	264	10	118.63	83.87	0.1%	-0.74	-0.63%	-0.03	≈
6201D-3	132	10	49.46	42.65	43.7%	-9.31	-18.83%	-0.85	↓
6234-3	134	10	117.76	54.22	5.0%	4.00	3.40%	0.36	≈
6238-3	130	10	81.17	54.09	5.4%	4.16	5.13%	0.38	≈
6239-3	260	10	146.69	96.03	0.1%	0.71	0.49%	0.03	≈
6240-3	132	10	78.15	35.88	1.9%	-1.63	-2.09%	-0.15	≈
6288-3	136	10	32.71	21.02	20.1%	-3.11	-9.50%	-0.27	≈
6312A-3	264	10	13.08	29.63	16.1%	-3.92	-29.97%	-0.18	≈
6312-3	132	10	59.53	39.47	9.9%	-4.10	-6.88%	-0.37	≈
6331A-3	132	10	88.99	53.44	9.4%	5.42	6.10%	0.49	↑
6332-3	136	10	58.80	43.57	11.7%	-4.93	-8.38%	-0.43	≈
6333A-3	215	10	58.84	40.32	23.9%	6.51	11.06%	0.36	≈
6333B-3	134	10	84.17	45.51	5.0%	3.35	3.98%	0.30	≈
6334A-3	132	10	66.22	63.74	13.0%	-7.59	-11.46%	-0.69	↓
6334B-3	132	10	56.33	62.96	1.2%	-2.25	-4.00%	-0.20	≈
6336-3	136	10	106.83	83.00	0.1%	0.73	0.68%	0.06	≈
6337-3	272	10	212.24	143.80	1.1%	4.92	2.32%	0.22	≈
6338A-3	68	10	19.10	15.45	17.8%	-2.15	-11.25%	-0.38	≈
6338-3	264	10	172.02	108.34	11.9%	-12.37	-7.19%	-0.56	≈
6339A-3	132	10	93.45	70.67	5.9%	-5.69	-6.09%	-0.52	≈
6340-3	132	10	84.56	63.31	7.1%	-5.55	-6.57%	-0.50	≈
6343A-3	132	8	70.53	48.28	0.3%	-1.04	-1.48%	-0.09	≈
6343B-3	132	8	27.51	24.41	0.7%	0.83	3.02%	0.08	≈
6764-3	272	10	211.52	142.87	16.9%	19.40	9.17%	0.86	↑
7289-3	270	10	122.92	96.07	3.5%	-5.98	-4.86%	-0.27	≈
7290-3	135	10	109.83	75.40	14.4%	9.46	8.61%	0.84	↑
7291-3	135	10	93.30	83.65	14.0%	10.34	11.09%	0.92	↑
7292A-3	133	8	76.20	64.37	1.5%	-3.17	-4.16%	-0.29	≈
7292B-3	133	8	76.44	64.45	1.3%	-3.00	-3.93%	-0.27	≈
7293-3	135	10	84.13	62.98	1.4%	-2.49	-2.96%	-0.22	≈
7373-3	152	10	84.46	34.44	7.0%	-3.00	-3.55%	-0.24	≈
7551-3	219	10	118.93	63.21	1.7%	-2.68	-2.26%	-0.15	≈
7570-3	259	10	70.41	48.80	0.1%	0.52	0.74%	0.02	≈
7571A-3	270	9	59.98	44.62	2.2%	2.40	4.00%	0.11	≈
7572B-3	135	9	81.73	39.17	9.6%	-4.44	-5.44%	-0.39	≈
7573A-3	156	9	99.80	50.68	12.2%	-6.45	-6.47%	-0.50	≈
7573-3	134	10	38.14	33.57	0.2%	-0.51	-1.33%	-0.05	≈
7574-3	268	10	51.77	54.10	10.9%	5.90	11.40%	0.26	≈
7575B-3	134	10	13.72	19.55	0.0%	-0.01	-0.08%	0.00	≈
7620A-3	72	9	33.88	32.25	4.8%	-2.58	-7.61%	-0.43	≈
7620B-3	64	9	28.02	18.87	16.0%	-2.75	-9.83%	-0.52	≈
7637-3	135	10	38.74	33.52	9.0%	-3.33	-8.59%	-0.30	≈
7639-3	135	10	63.07	40.72	5.3%	3.09	4.91%	0.28	≈
7640-3	156	10	99.85	48.57	4.5%	-3.39	-3.40%	-0.26	≈

Permit No.	Lic. Acres	No. Reports	Average (ac-ft/yr)	St. Dev. (ac-ft/yr)	R ²	Trend (ac-ft/yr)	Trend (% Avg.)	Trend (in/yr)	Trend Assessment
7685-3	75	10	55.55	31.94	6.7%	-2.73	-4.92%	-0.44	≈
7716-3	135	10	6.12	6.71	45.0%	1.49	24.30%	0.13	≈
7718A-3	135	10	77.31	33.20	9.1%	-3.30	-4.27%	-0.29	≈
7720-3	135	10	39.58	34.03	10.8%	-3.69	-9.31%	-0.33	≈
7721-3	344	10	34.84	32.11	49.0%	7.42	21.31%	0.26	≈
7723-3	405	10	84.46	82.82	34.2%	15.99	18.93%	0.47	↑
7724-3	300	10	42.46	40.59	3.5%	2.52	5.94%	0.10	≈
7725C-3	135	10	27.48	32.86	1.0%	1.10	4.00%	0.10	≈
Total	25,542	1,483	12,082.83	8,213.24	--	-187.91	--	-0.09	≈
Average	169	10	80.02	54.39	8.8%	-1.24	-1.48%	-0.07	--
St.Dev.	90	1	41.67	28.52	11.3%	6.89	8.60%	0.54	--
Min.	5	0	0.00	0.00	0.00%	-47.96	-30.0%	-1.49	--
Max.	792	10	220.44	192.31	57.01%	21.22	34.6%	3.72	--
Median	135	10	76.20	47.88	4.44%	-1.04	-1.4%	-0.08	--

* Water Right No. 4912A-3 has not reported irrigation since 2002, as ownership of the water right was unclear. This water right may be subject to cancellation due to abandonment or forfeiture [21].

Table 5: Summary of Irrigation reported statistics per permit

1979-2024 (Table 3)		2015-2024 (Table 4)	
Trend Assessment	Number of Permits	Trend Assessment	Number of Permits
↑↑	1	↑↑	3
↑	4	↑	7
≈	143	≈	128
↓	2	↓	11
↓↓	1	↓↓	2
↑↑ - significant increase; ↑ - moderate increase; ≈ - no significant trend; ↓ - moderate decrease; ↓↓ - significant decrease			

Appendix B: Observation Well Hydrographs

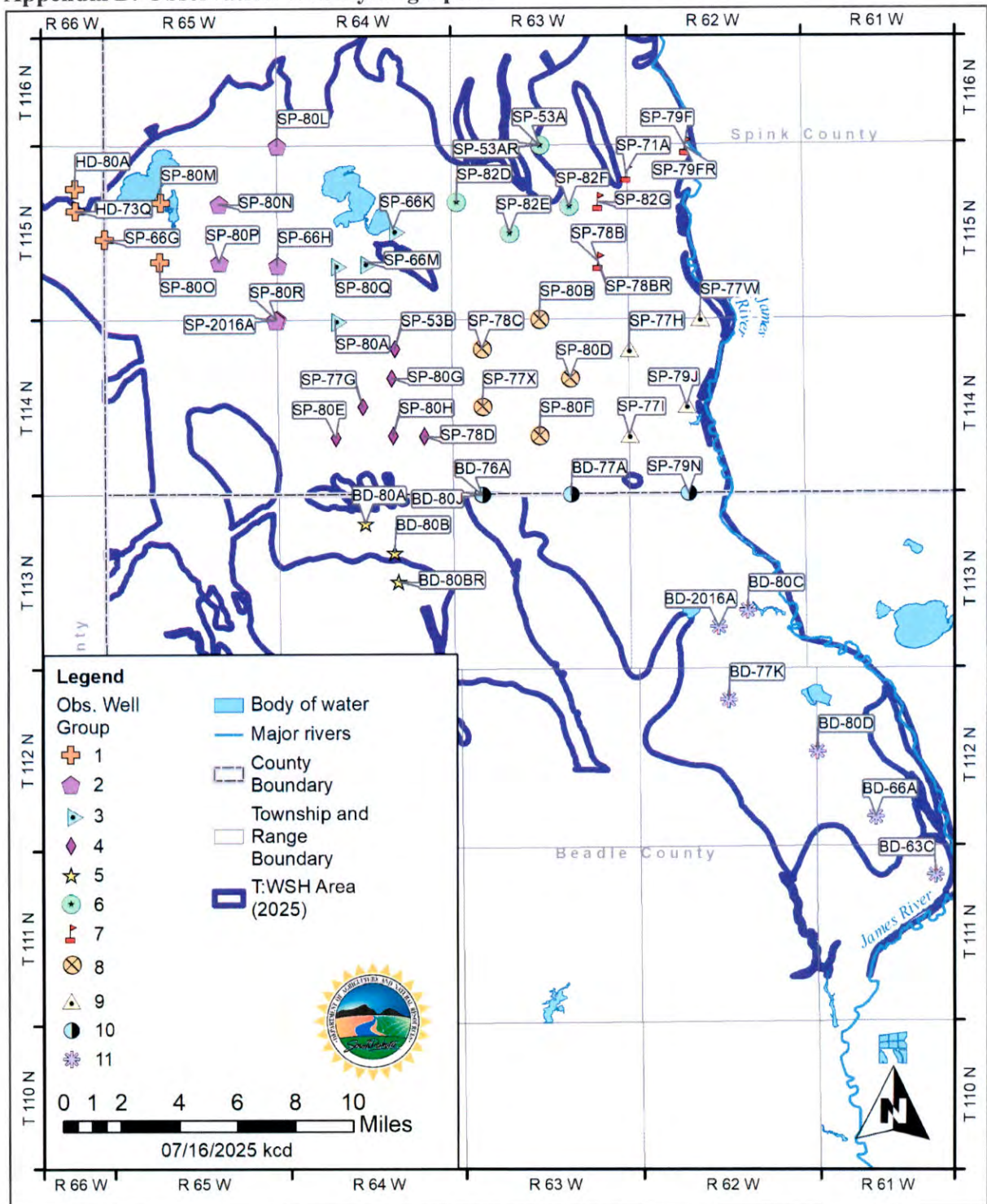


Figure 5: Map of groups of observation wells in T:WSH [3]

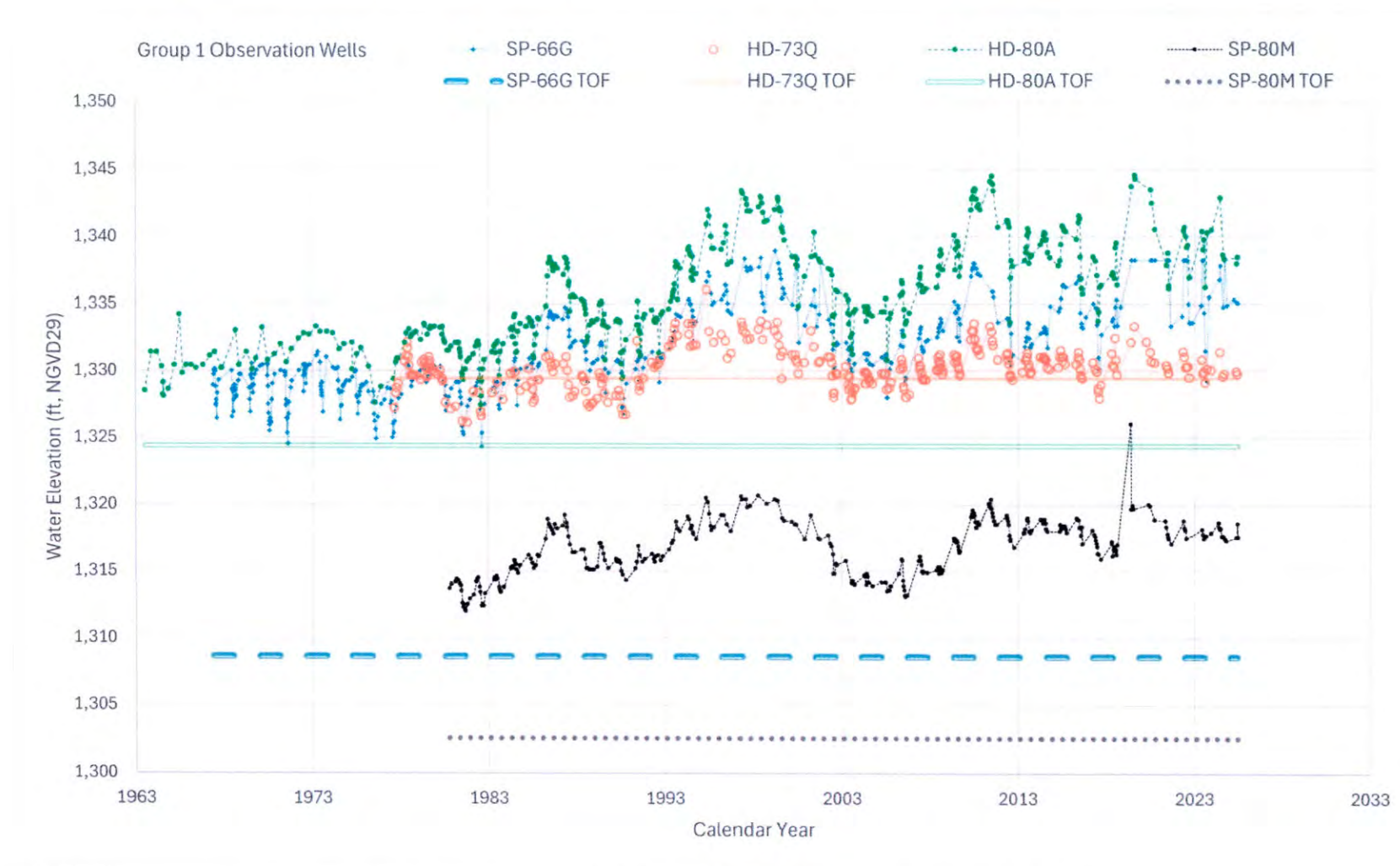


Figure 6: Observation well water level elevations and formation top (TOF) elevations for Group 1 [3]

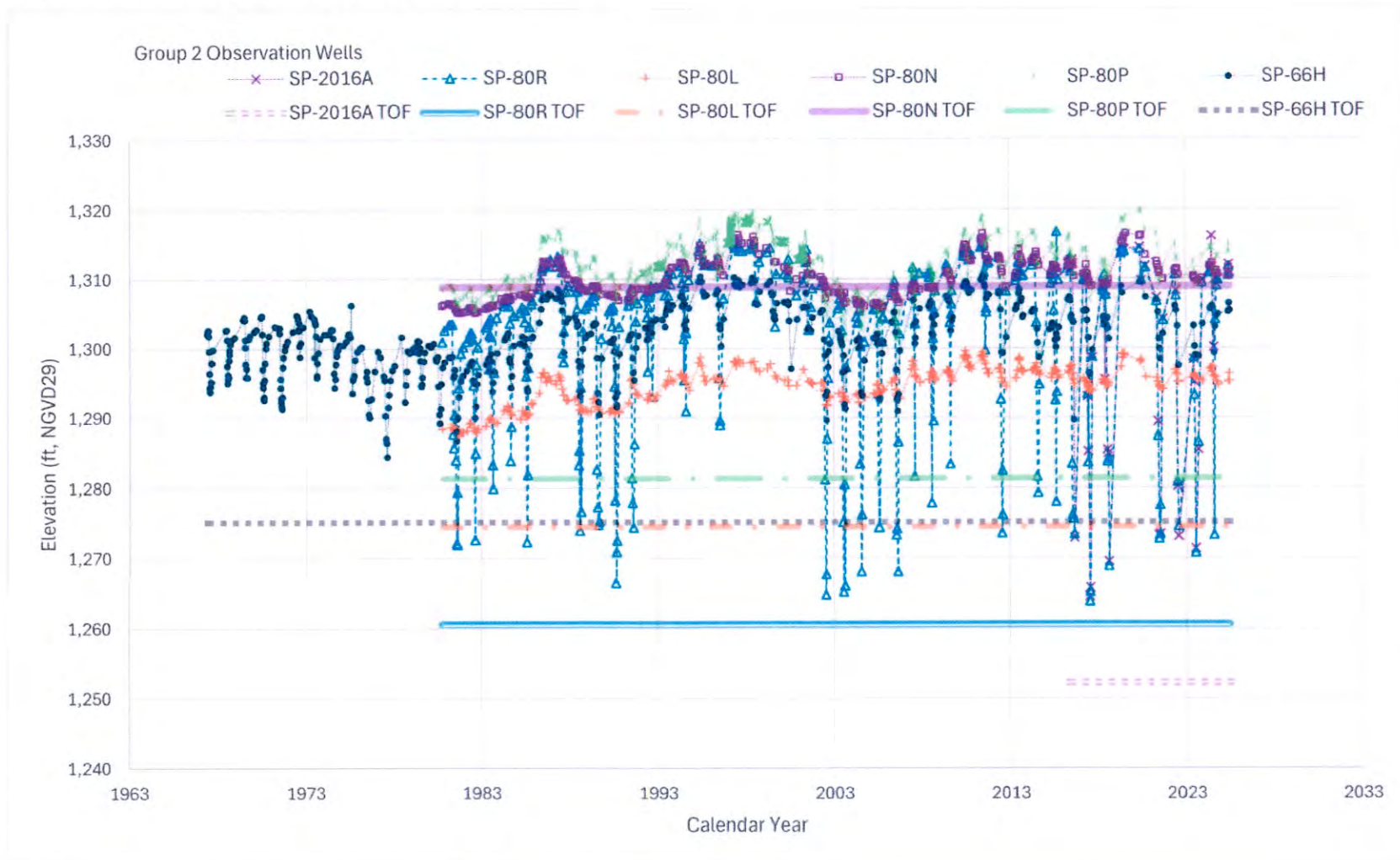


Figure 7: Observation well water level elevations and TOF elevations for Group 2 [3]

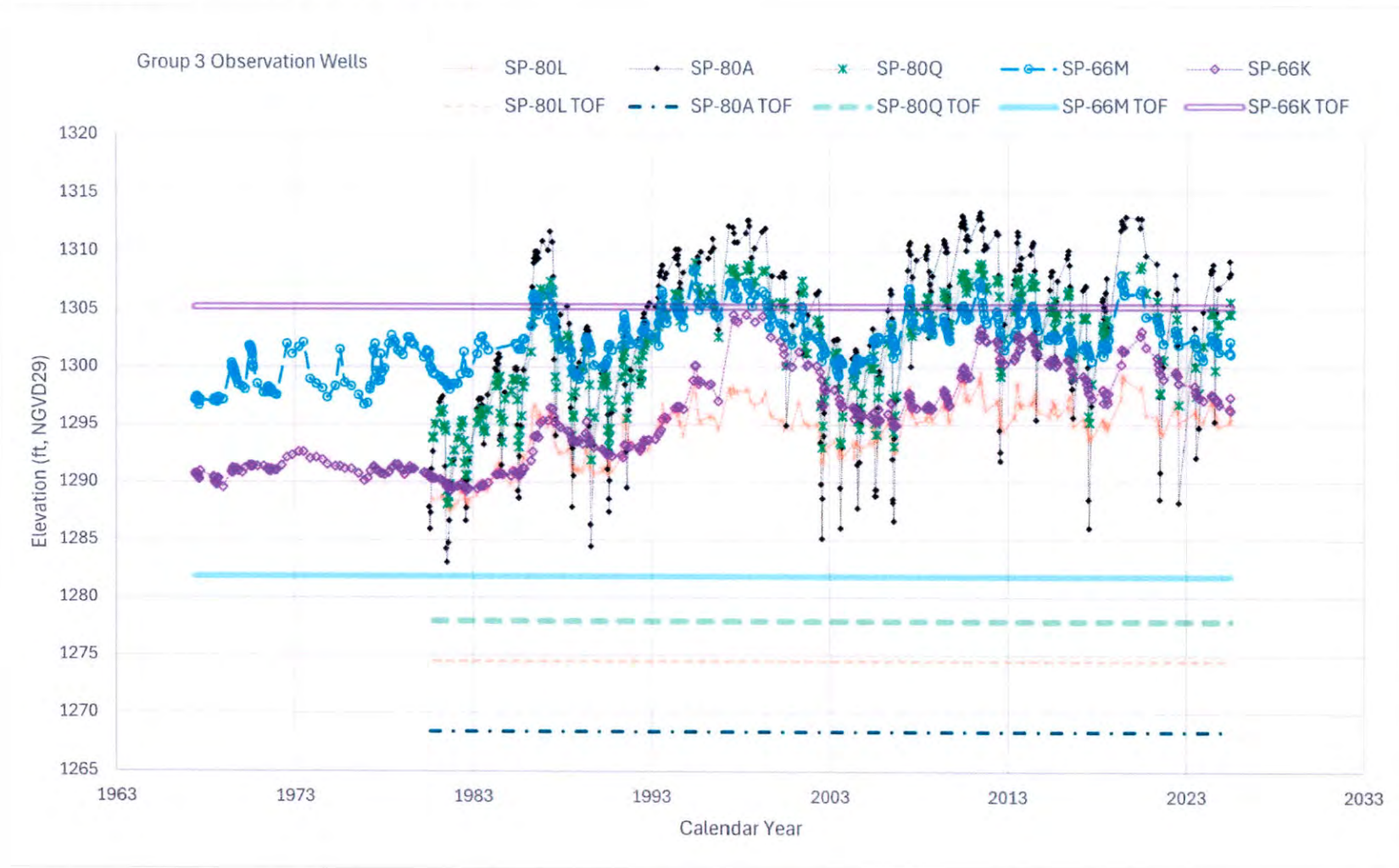


Figure 8: Observation well water level elevations and TOF elevations for Group 3 [3]

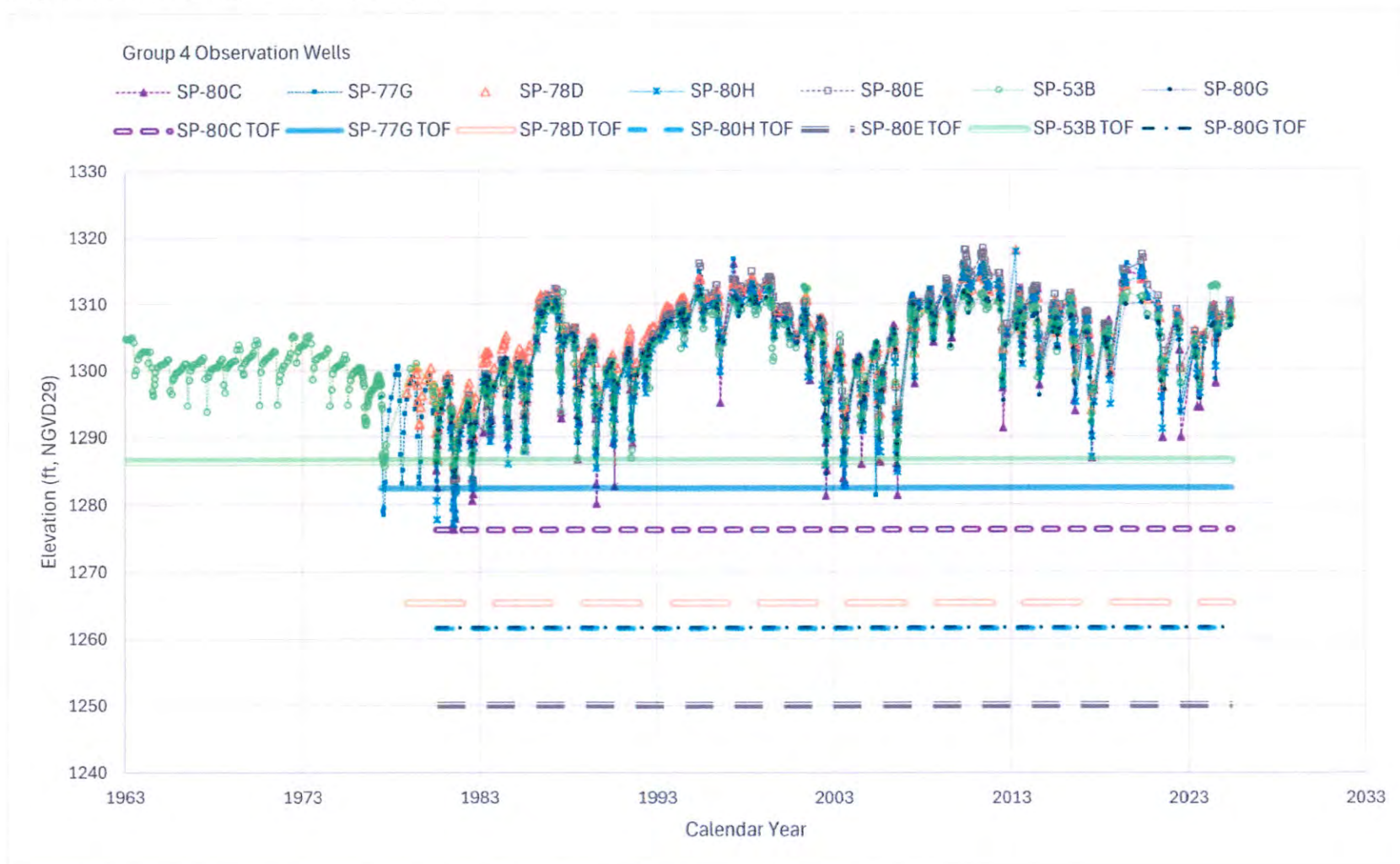


Figure 9: Observation well water level elevations and TOF elevations for Group 4 [2]

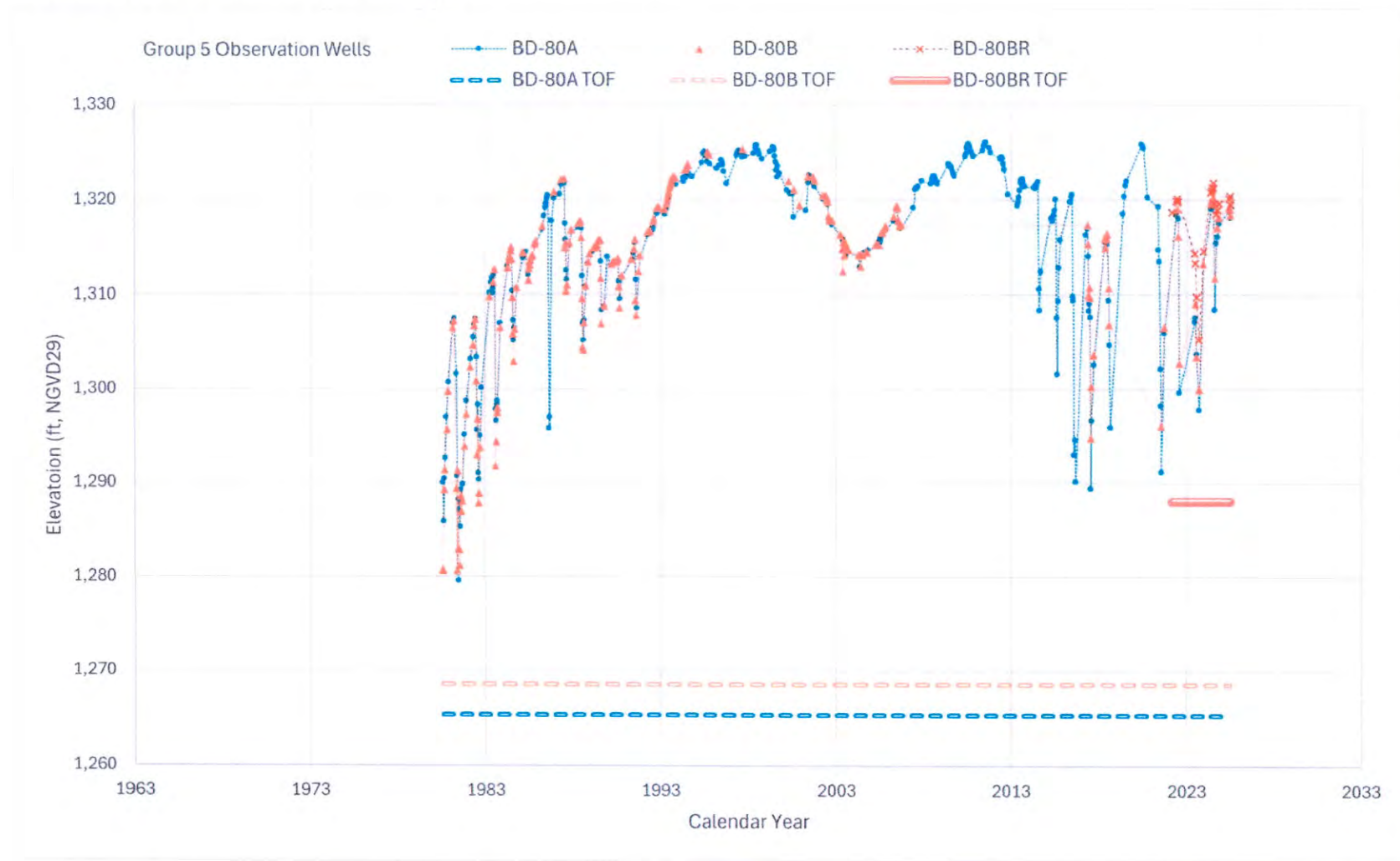


Figure 10: Observation well water level elevations and TOF elevations for Group 5 [2]

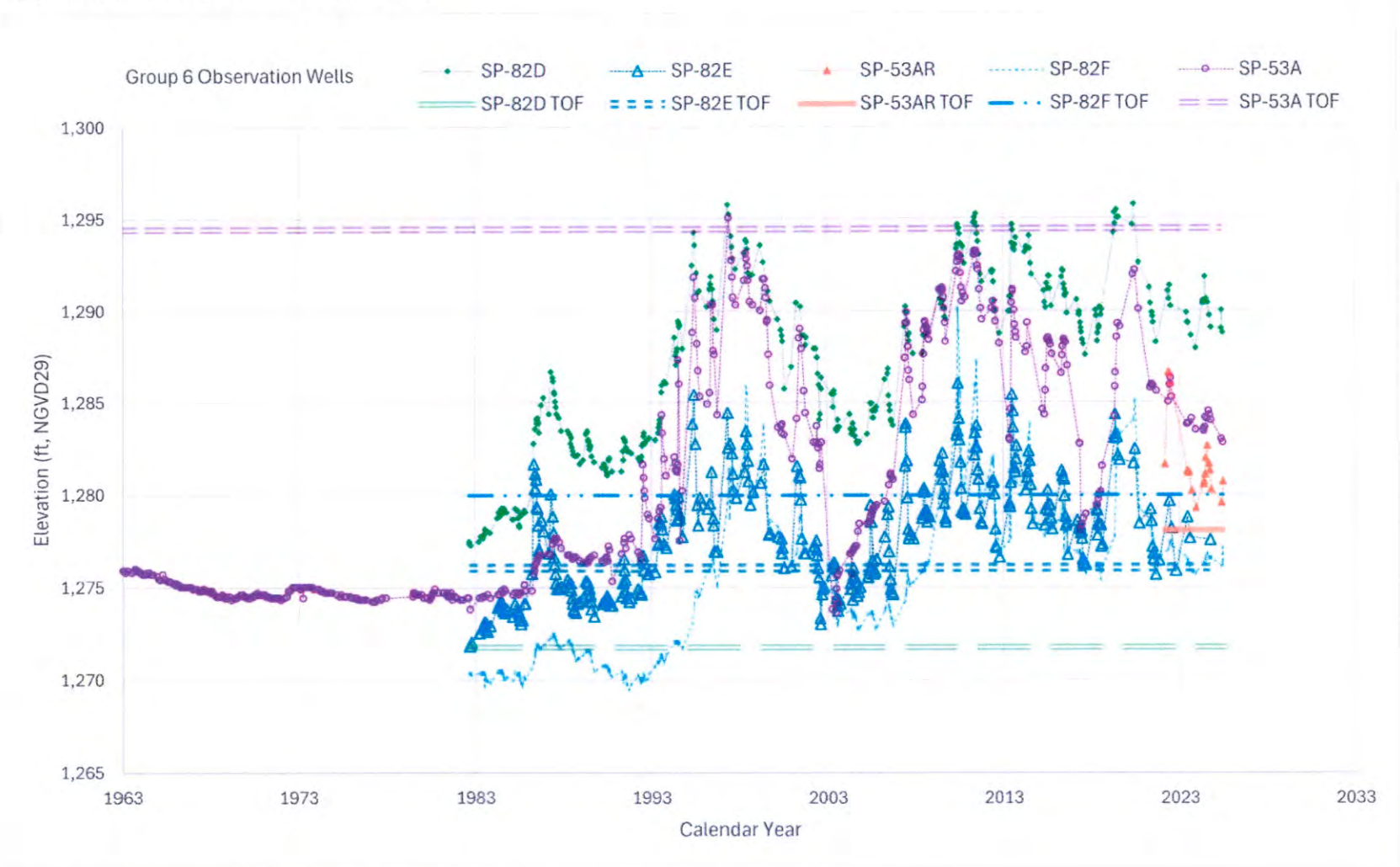


Figure 11: Observation well water level elevations and TOF elevations for Group 6 [2]

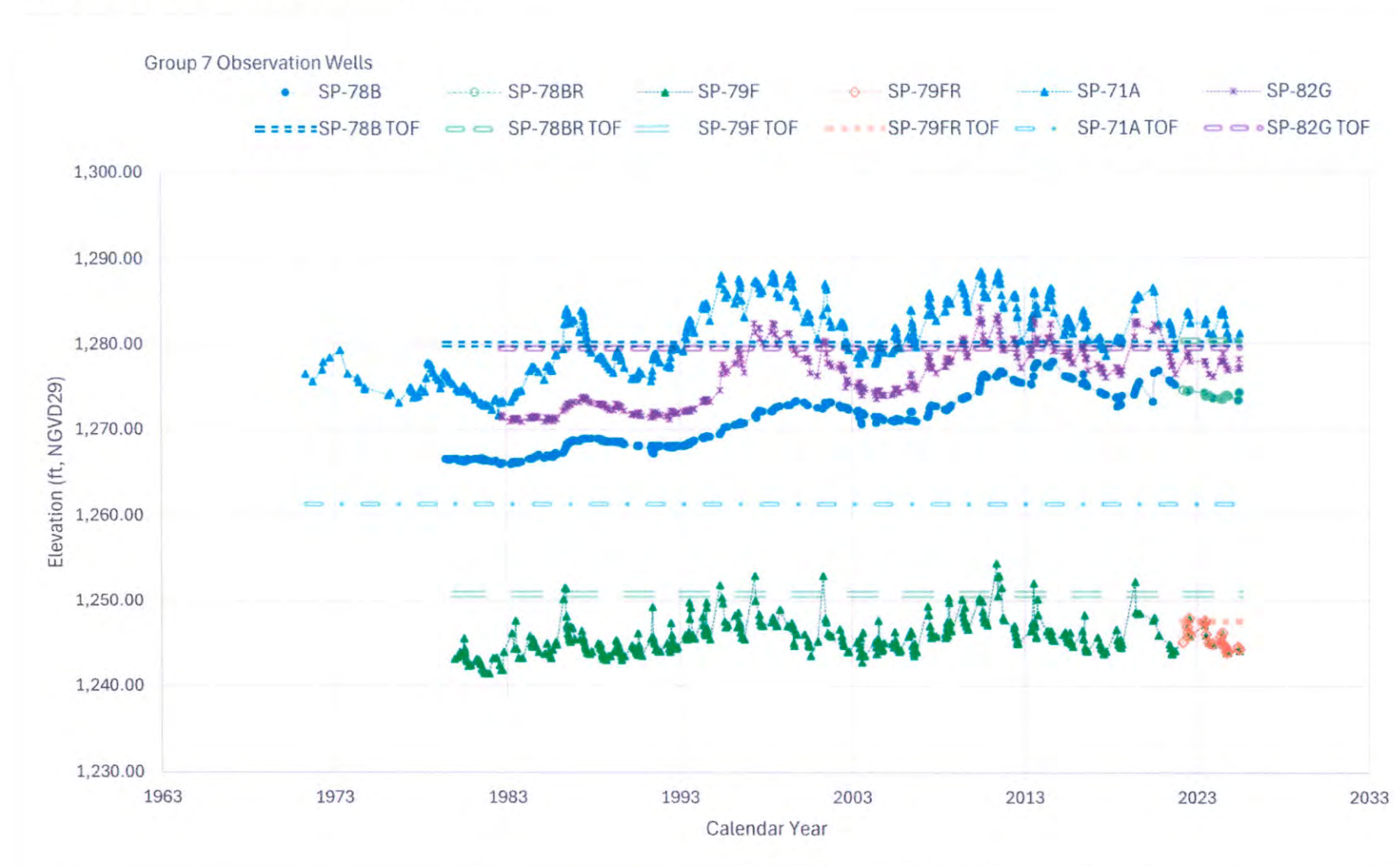


Figure 12: Observation well water level elevations and TOF elevations for Group 7 [2]



Figure 13: Observation well water level elevations and TOF elevations for Group 8 [2]



Figure 14: Observation well water level elevations and TOF elevations for Group 9 [2]

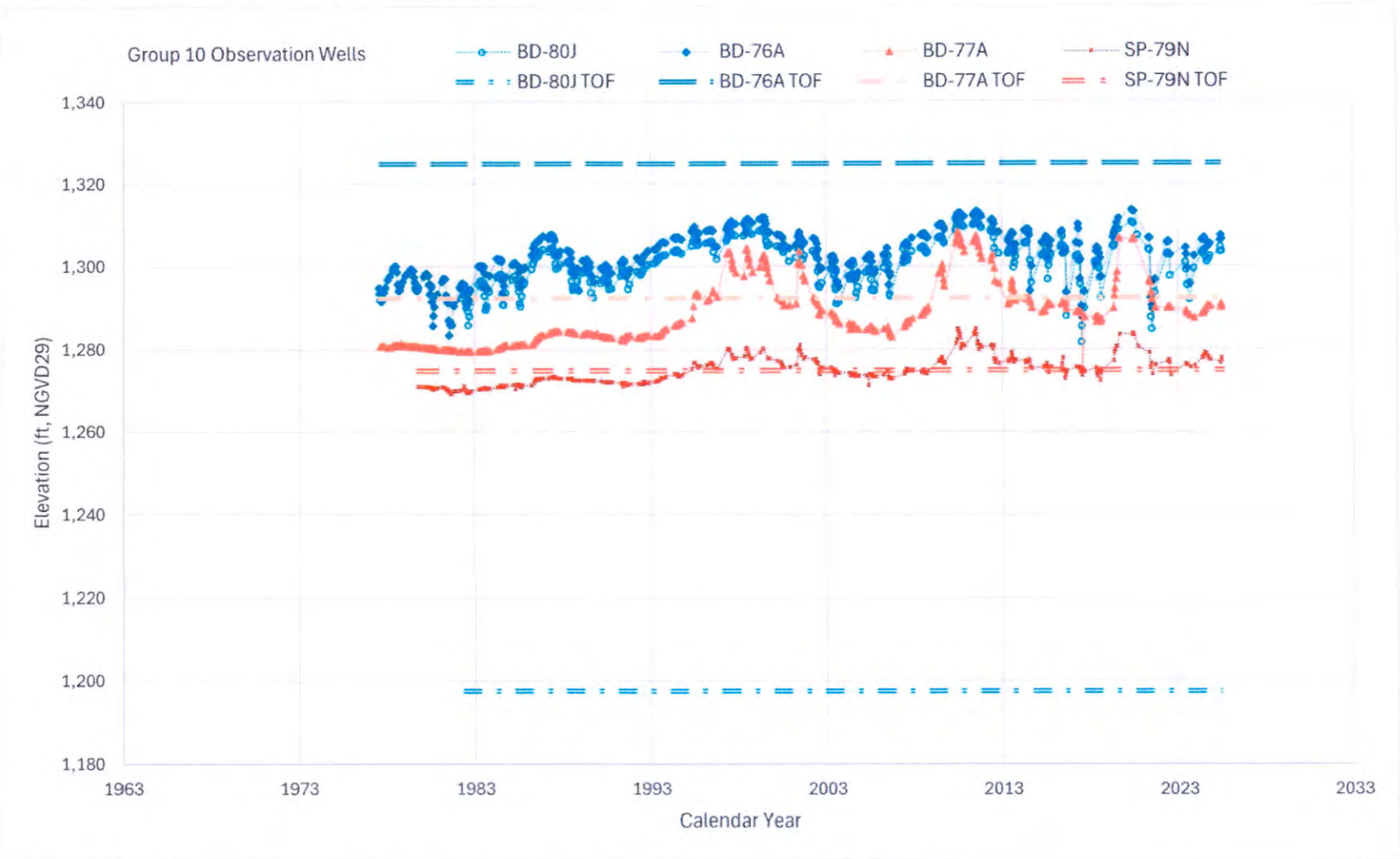


Figure 15: Observation well water level elevations and TOF elevations for Group 10 [2]



Figure 16: Observation well water level elevations and TOF elevations for Group 11 [2]

Appendix C: Climactic Data

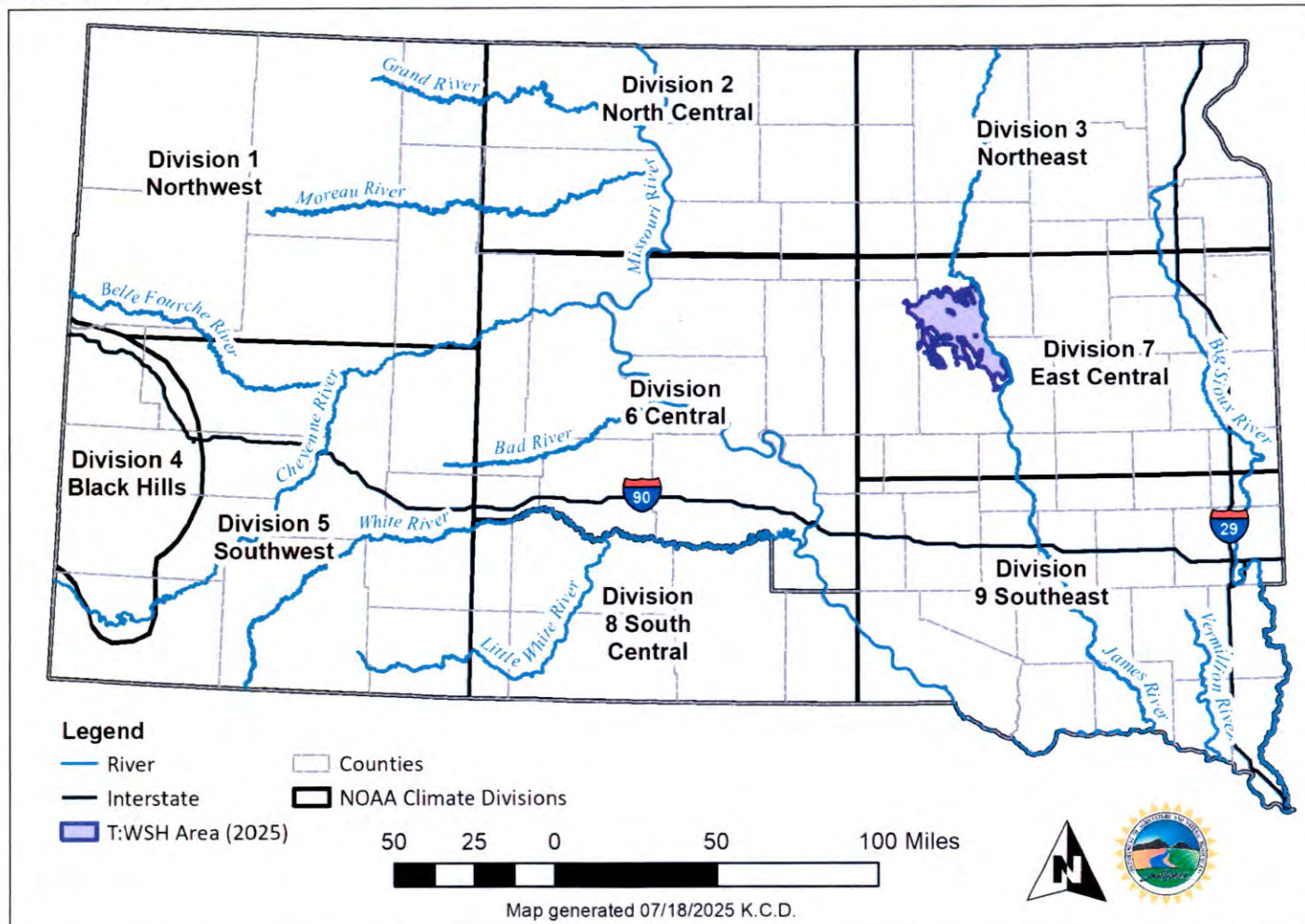


Figure 17: Map of NOAA Climate Divisions in South Dakota [18]

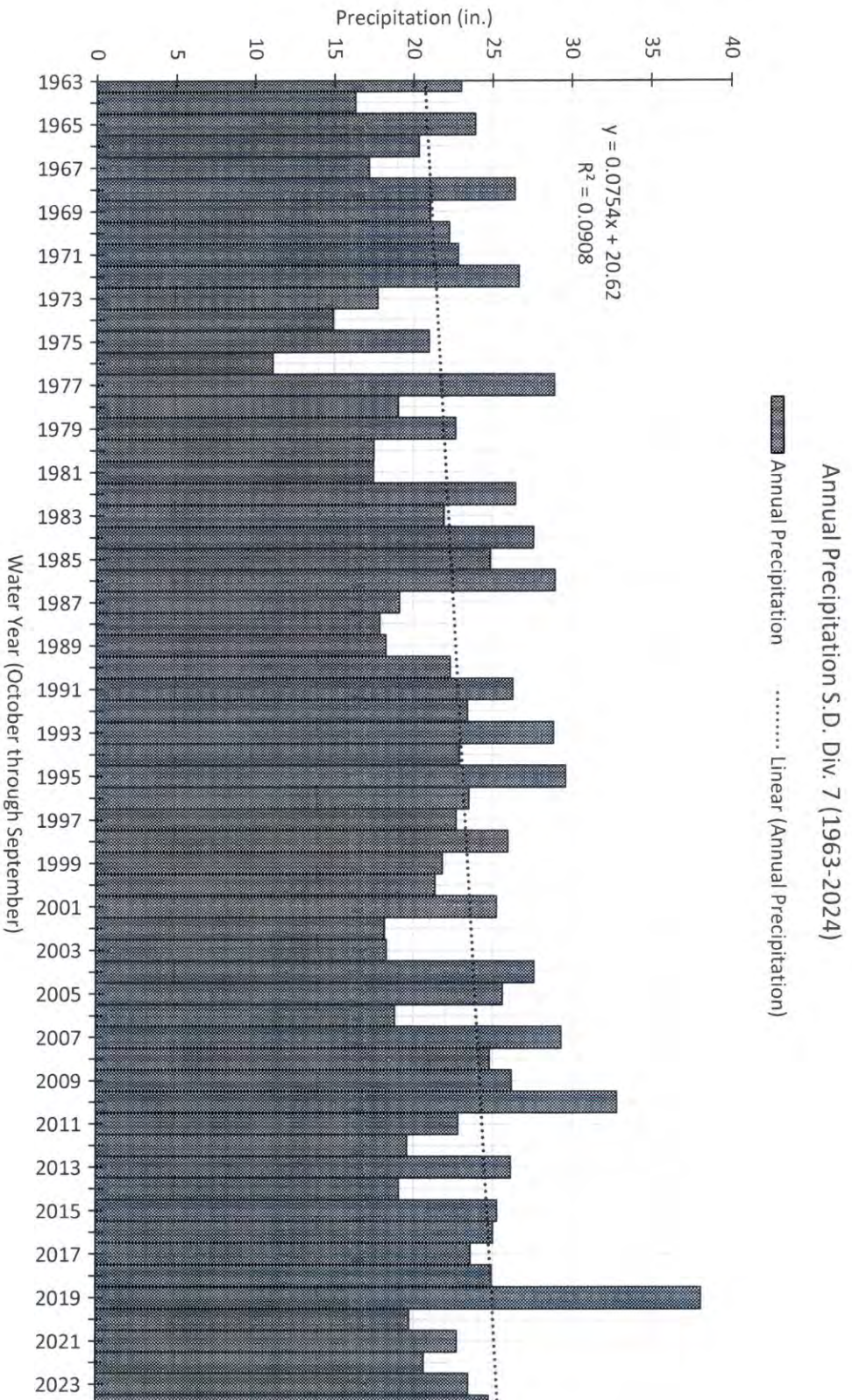


Figure 18: Annual precipitation for South Dakota Climate Division 7 from 1963 through 2024. The average from the 1900-2000 period of record was 21.6 inches [18].

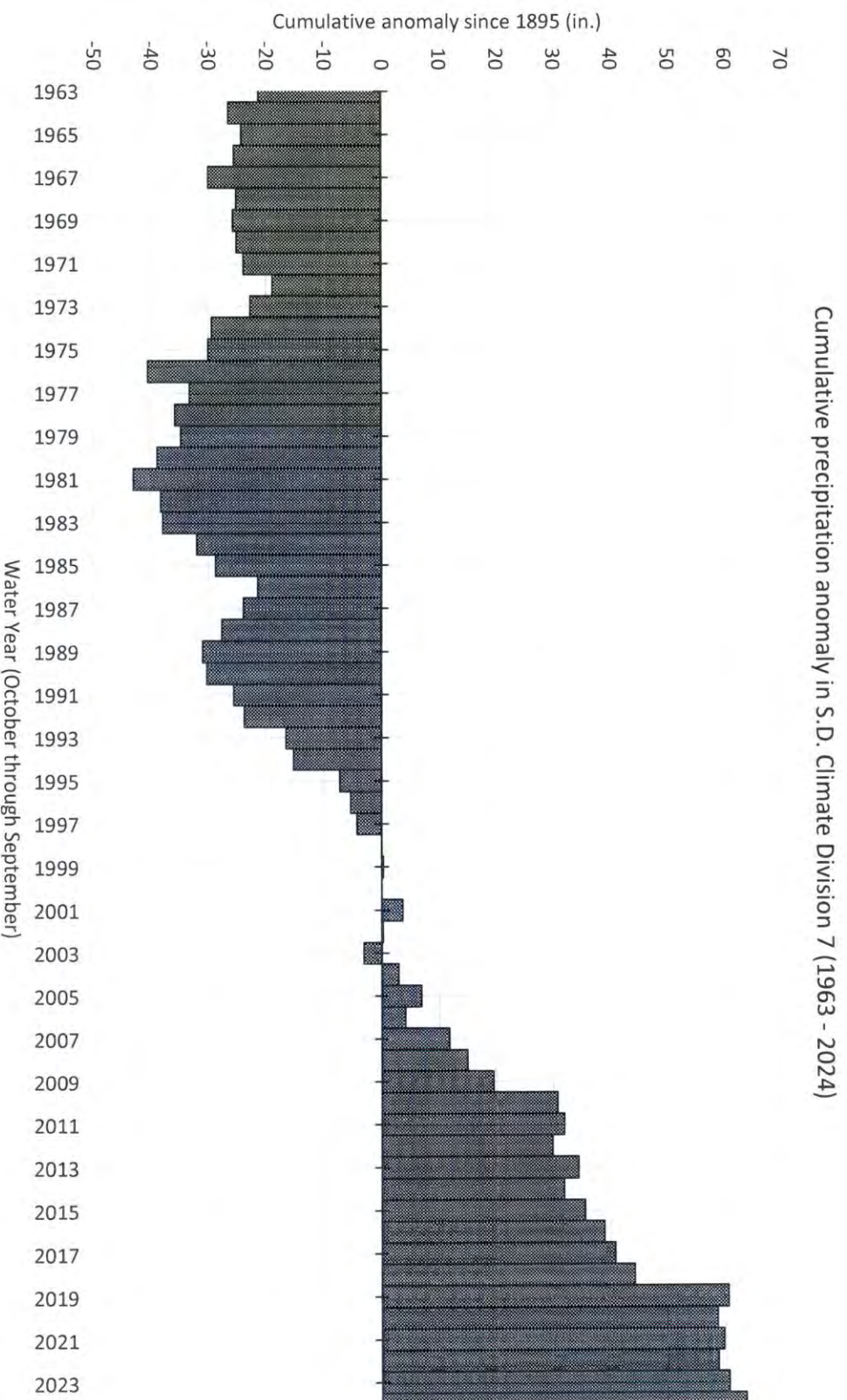


Figure 19: Cumulative Precipitation Anomaly from 1963 through 2024 [18]

Table 6: Annual Precipitation data for South Dakota Climate Division 7 (East Central) [18]

Water Year	Precip. (in)	Anomaly (in)	Cumulative Anom. (in)	Water Year	Precip. (in)	Anomaly (in)	Cumulative Anom. (in)	Water Year	Precip. (in)	Anomaly (in)	Cumulative Anom. (in)	Water Year	Precip. (in)	Anomaly (in)	Cumulative Anom. (in)
1895	17.98	-3.62	-3.62	1928	18.48	-3.12	18.71	1961	20.15	-1.45	-28.79	1994	22.9	1.30	-15.26
1896	26.44	4.84	1.22	1929	20.88	-0.72	17.98	1962	27.72	6.12	-22.67	1995	29.59	7.99	-7.27
1897	25.23	3.63	4.84	1930	19.5	-2.10	15.88	1963	23	1.40	-21.27	1996	23.49	1.89	-5.38
1898	16.83	-4.77	0.07	1931	15.72	-5.88	10.00	1964	16.33	-5.27	-26.54	1997	22.67	1.07	-4.31
1899	19.55	-2.05	-1.98	1932	18.57	-3.03	6.97	1965	23.88	2.28	-24.26	1998	25.96	4.36	0.04
1900	26.93	5.33	3.35	1933	13.92	-7.68	-0.71	1966	20.34	-1.26	-25.53	1999	21.81	0.21	0.25
1901	23.83	2.23	5.57	1934	14.9	-6.70	-7.42	1967	17.19	-4.41	-29.94	2000	21.35	-0.25	0.00
1902	21.09	-0.51	5.06	1935	19.92	-1.68	-9.10	1968	26.4	4.80	-25.14	2001	25.23	3.63	3.63
1903	23.13	1.53	6.59	1936	14.45	-7.15	-16.25	1969	21.03	-0.57	-25.71	2002	18.18	-3.42	0.21
1904	18.19	-3.41	3.18	1937	18.49	-3.11	-19.36	1970	22.24	0.64	-25.07	2003	18.3	-3.30	-3.10
1905	28.95	7.35	10.53	1938	20.22	-1.38	-20.75	1971	22.81	1.21	-23.87	2004	27.59	5.99	2.89
1906	27.66	6.06	16.58	1939	17.96	-3.64	-24.39	1972	26.63	5.03	-18.84	2005	25.59	3.99	6.88
1907	18.43	-3.17	13.41	1940	18.55	-3.05	-27.44	1973	17.74	-3.86	-22.70	2006	18.8	-2.80	4.08
1908	27.38	5.78	19.19	1941	21.28	-0.32	-27.76	1974	14.92	-6.68	-29.38	2007	29.29	7.69	11.76
1909	23.21	1.61	20.80	1942	26.74	5.14	-22.62	1975	20.96	-0.64	-30.03	2008	24.77	3.17	14.93
1910	14.57	-7.03	13.77	1943	21.76	0.16	-22.47	1976	11.12	-10.48	-40.51	2009	26.15	4.55	19.48
1911	20.63	-0.97	12.79	1944	26.35	4.75	-17.72	1977	28.89	7.29	-33.22	2010	32.79	11.19	30.67
1912	19.61	-1.99	10.80	1945	21.37	-0.23	-17.95	1978	19.03	-2.57	-35.79	2011	22.78	1.18	31.85
1913	19.16	-2.44	8.36	1946	26.59	4.99	-12.96	1979	22.65	1.05	-34.74	2012	19.57	-2.03	29.81
1914	28.51	6.91	15.27	1947	21.48	-0.12	-13.09	1980	17.48	-4.12	-38.87	2013	26.11	4.51	34.32
1915	24.45	2.85	18.11	1948	22.89	1.29	-11.80	1981	17.46	-4.14	-43.01	2014	19.07	-2.53	31.79
1916	23.6	2.00	20.11	1949	18.4	-3.20	-15.00	1982	26.42	4.82	-38.19	2015	25.24	3.64	35.43
1917	19.26	-2.34	17.77	1950	19.38	-2.22	-17.22	1983	21.89	0.29	-37.90	2016	24.99	3.39	38.82
1918	23.98	2.38	20.15	1951	24.79	3.19	-14.03	1984	27.55	5.95	-31.96	2017	23.56	1.96	40.77
1919	24.97	3.37	23.52	1952	14.79	-6.81	-20.85	1985	24.84	3.24	-28.72	2018	24.89	3.29	44.06
1920	27.81	6.21	29.72	1953	25.21	3.61	-17.24	1986	28.92	7.32	-21.40	2019	38.02	16.42	60.48
1921	22.85	1.25	30.97	1954	18.57	-3.03	-20.27	1987	19.12	-2.48	-23.88	2020	19.71	-1.89	58.59
1922	19.76	-1.84	29.13	1955	17.49	-4.11	-24.38	1988	17.88	-3.72	-27.60	2021	22.69	1.09	59.67
1923	19.98	-1.62	27.51	1956	22.86	1.26	-23.12	1989	18.26	-3.34	-30.95	2022	20.64	-0.96	58.71
1924	22.74	1.14	28.64	1957	24.58	2.98	-20.15	1990	22.31	0.71	-30.24	2023	23.42	1.82	60.53
1925	15.46	-6.14	22.50	1958	15.27	-6.33	-26.48	1991	26.26	4.66	-25.58	2024	24.72	3.12	63.65
1926	19.16	-2.44	20.06	1959	19.36	-2.24	-28.72	1992	23.41	1.81	-23.77	2025	12.34	-9.26	54.39
1927	23.37	1.77	21.83	1960	22.99	1.39	-27.33	1993	28.82	7.22	-16.55	Water Year 2025 ends September 30			

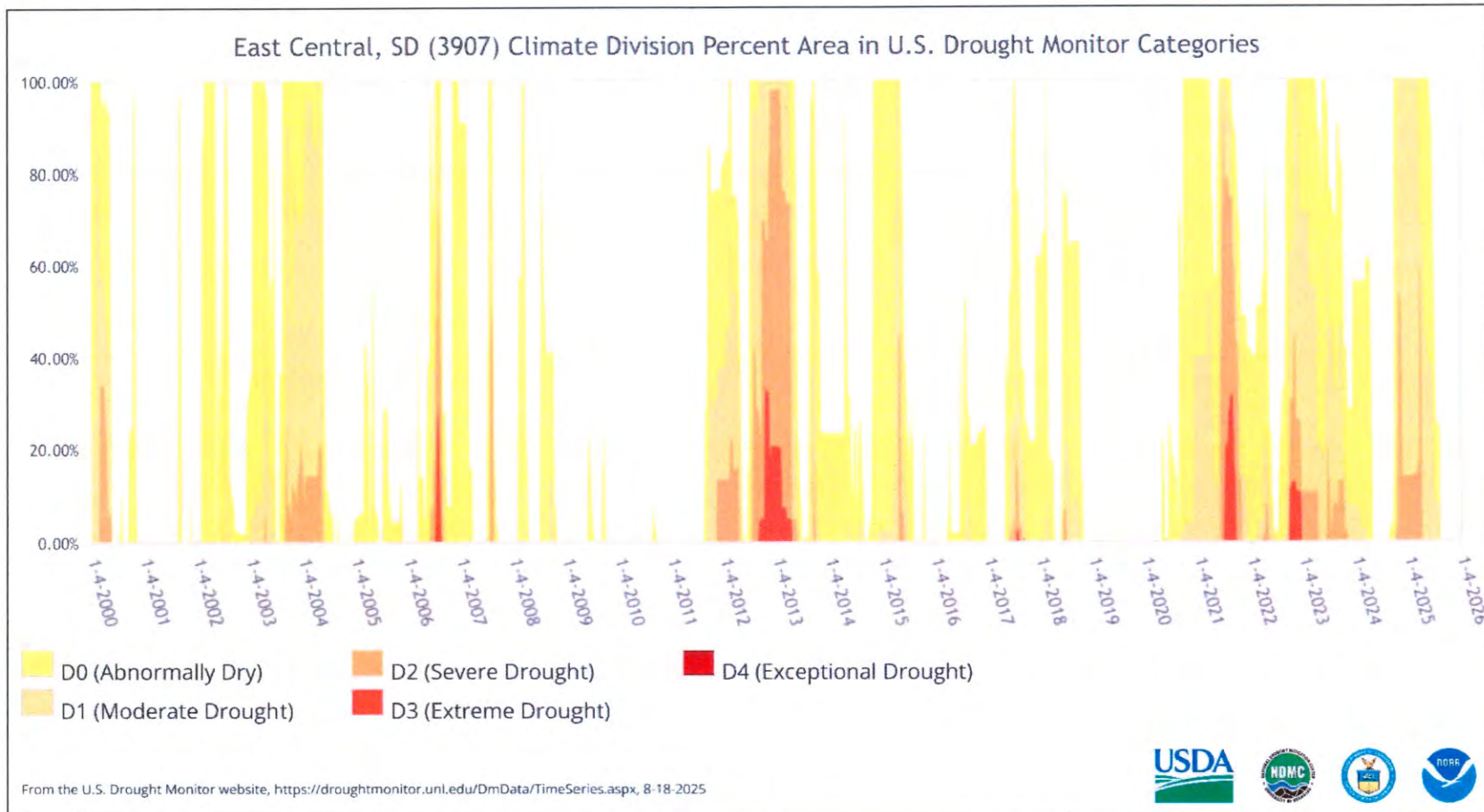


Figure 20: US Drought Monitor for S.D. Division 7 over the period of record (2000 through July, 2025) [17]



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

August 27, 2025

NOTICE OF HEARING

To: Riverside Hutterian Brethren, c/o Samuel or Bennett Waldner
40361 200th St
Huron SD 57350

From: Mark Mayer, PE 
Acting Chief Engineer

Subject: Five-Year Review to Determine the Availability of Unappropriated Water in the Tulare: Western Spink Hitchcock Aquifer concerning held Application No(s). 8084-3, 8085-3 and 8128-3

Important: Your written response is required within 30 days, notifying the acting Chief Engineer whether you wish for Application No(s). 8084-3, 8085-3 and 8128-3 to retain eligibility for any water that may become available from the aquifer. Failure to provide a written response results in withdrawal of your held application(s). Send response to: Atten. Amanda Dewell, Water Rights Program, 523 E. Capitol Ave., Pierre SD 57501.

The Water Management Board (Board) previously determined the average annual withdrawal of water from the Tulare: Western Spink Hitchcock Aquifer is equal to the average estimated annual recharge and deemed the aquifer fully appropriated. Pursuant to South Dakota Codified Law (SDCL) 46-2A-7.1, the Board held a hearing for the purpose of accepting applications for potential future appropriations from the aquifer and created a priority list. The hearing was held on May 7, 2015. Twenty-eight applications were prioritized and held by the Board for possible future action.

Pursuant to SDCL 46-2A-7.5, the Board is required to hold a public hearing reviewing the groundwater source, all permits appropriating water from that source, and all held applications (such as yours) at least once every five years, to determine whether unappropriated water has become available for use. On October 7, 2020, the first five-year review was conducted by the Board. During the review, the Board decided water was not available for appropriation. Currently, twenty-seven applications remain in held status since one application was withdrawn. Included in the twenty-seven applications, is/are the application(s) submitted by Riverside Hutterian Brethren, c/o Samuel or Bennett Waldner: 8084-3 - N 1/2 Sec 29-T112N-R61W; 8085-3 - NW 1/4 Sec 20-T112N-R61W; and 8128-3 - NW 1/4 Sec 21, Sec 28, W 1/2 Sec 27; all in T112N-R61W.

The next five-year review by the Board is scheduled for 10:15 AM (Central Time), on Wednesday, October 1, 2025, at the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Ave, Pierre SD 57501. You do NOT need to be present at the hearing for your application(s) to retain eligibility. However, SDCL 46-2A-7.5 requires any applicant, such as yourself, to notify the Chief Engineer in writing within thirty days of receipt of this notice, whether you desire to retain eligibility to appropriate any water the Board may determine is available. Failure to respond in writing within 30 days constitutes withdrawal of your application(s).

A 2025 aquifer status report has been prepared for the Board's consideration. The 2025 aquifer status report and a copy of a public notice to be published concerning the October 1, 2025, hearing are both available online at <https://danr.sd.gov/OfficeOfWater/WaterRights/aquifer/> or a hard copy will be provided upon request.

At the October 1, 2025, hearing, the Board is authorized to 1) determine that additional water is available for appropriation, 2) determine that no additional water is available for appropriation, or 2) defer action for further study. The hearing 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-7.5, the Board has legal authority and jurisdiction to conduct this hearing. After the hearing is conducted by the Board, you will be notified of the Board's decision.

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.

Questions regarding the hearing process, or a copy of the report and public notice, may be directed to Amanda Dewell (Amanda.Dewell@state.sd.us) or Ron Duvall (Ron.Duvall@state.sd.us), Water Rights Program at (605) 773-3352.



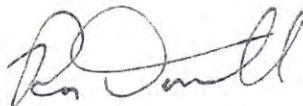
**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

September 23, 2025

NOTICE OF POSTPONEMENT OF HEARING

To: Riverside Hutterian Brethren, c/o Samuel or Bennett Waldner
40361 200th St
Huron SD 57350

From: *for* Mark Mayer, PE 
Acting Chief Engineer

Subject: POSTPONEMENT of Five-Year Review to Determine the Availability of Unappropriated Water
in the Tulare: Western Spink Hitchcock Aquifer concerning held Application No(s). 8084-3,
8085-3 and 8128-3

The five-year review by the Board scheduled for Wednesday, October 1, 2025, in Pierre SD has been postponed due to the public notice of hearing not getting published in a newspaper. **The hearing will NOT be held on October 1, 2025.**

The hearing will be rescheduled for the December meeting of the Water Management Board which is tentatively scheduled for December 3 and 4, 2025. Future notice will be provided of the exact time and place of hearing which will likely be in Pierre.

We apologize for any inconvenience this may cause. If you have any questions, please contact Amanda Dewell (Amanda.Dewell@state.sd.us) or Ron Duvall (Ron.Duvall@state.sd.us), Water Rights Program at (605) 773-3352.



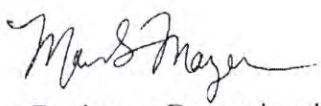
**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

October 8, 2025

NOTICE OF HEARING

To: Riverside Hutterian Brethren, c/o Samuel or Bennett Waldner
40361 200th St
Huron SD 57350

From: Mark Mayer, PE
Acting Chief Engineer 

Subject: **Re-Scheduled** Five-Year Review to Determine the Availability of Unappropriated Water in the
Tulare: Western Spink Hitchcock Aquifer concerning held Application No(s). 8084-3, 8085-3
and 8128-3

The Water Management Board (Board) previously determined the average annual withdrawal of water from the Tulare: Western Spink Hitchcock Aquifer is equal to the average estimated annual recharge and deemed the aquifer fully appropriated. Pursuant to South Dakota Codified Law (SDCL) 46-2A-7.1, the Board held a hearing for the purpose of accepting applications for potential future appropriations from the aquifer and created a priority list. The hearing was held on May 7, 2015. Twenty-eight applications were prioritized and held by the Board for possible future action.

Pursuant to SDCL 46-2A-7.5, the Board is required to hold a public hearing reviewing the groundwater source, all permits appropriating water from that source, and all held applications (such as yours) at least once every five years, to determine whether unappropriated water has become available for use. On October 7, 2020, the first five-year review was conducted by the Board. During the review, the Board decided water was not available for appropriation. Currently, twenty-seven applications remain in held status since one application was withdrawn. Included in the twenty-seven applications, is/are the application(s) submitted by Riverside Hutterian Brethren, c/o Samuel or Bennett Waldner: 8084-3 - N 1/2 Sec 29-T112N-R61W; 8085-3 - NW 1/4 Sec 20-T112N-R61W; and 8128-3 - NW 1/4 Sec 21, Sec 28, W 1/2 Sec 27; all in T112N-R61W.

The next five-year review by the Board is scheduled for **9:45 AM (Central Time), on Wednesday, December 3, 2025, at the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Ave, Pierre SD 57501.** You do NOT need to be present at the hearing for your application(s) to retain eligibility.

A 2025 aquifer status report has been prepared for the Board's consideration. The 2025 aquifer status report and a copy of a public notice to be published concerning the December 3, 2025, hearing will both be available online at <https://danr.sd.gov/OfficeOfWater/WaterRights/aquifer/> or a hard copy will be provided upon request. At the December 3, 2025, hearing, the Board is authorized to 1) determine that additional water is available for appropriation, 2) determine that no additional water is available for appropriation, or 2) defer action for further study. The hearing 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-7.5, the Board has legal authority and jurisdiction to conduct this hearing. After the hearing is conducted by the Board, you will be notified of the Board's decision.

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**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

August 27, 2025

NOTICE OF HEARING

To: Bixler Farms and Bixler Land, c/o Reed Bixler
39477 184th St
Hitchcock SD 57348

From: Mark Mayer, PE *Mark Mayer*
Acting Chief Engineer

Subject: Five-Year Review to Determine the Availability of Unappropriated Water in the Tulare: Western Spink Hitchcock Aquifer concerning held Application No(s). 8099-3, 8100-3, 8101-3, 8102-3, 8103-3, 8104-3, 8105-3, 8106-3 and 8107-3

Important: Your written response is required within 30 days, notifying the acting Chief Engineer whether you wish for Application No(s). 8099-3, 8100-3, 8101-3, 8102-3, 8103-3, 8104-3, 8105-3, 8106-3 and 8107-3 to retain eligibility for any water that may become available from the aquifer. Failure to provide a written response results in withdrawal of your held application(s). Send response to: Atten. Amanda Dewell, Water Rights Program, 523 E. Capitol Ave., Pierre SD 57501.

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**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

September 23, 2025

NOTICE OF POSTPONEMENT OF HEARING

To: Bixler Farms and Bixler Land, c/o Reed Bixler
39477 184th St
Hitchcock SD 57348

From: *for* Mark Mayer, PE
Acting Chief Engineer

Subject: POSTPONEMENT of Five-Year Review to Determine the Availability of Unappropriated Water
in the Tulare: Western Spink Hitchcock Aquifer concerning held Application No(s). 8099-3,
8100-3, 8101-3, 8102-3, 8103-3, 8104-3, 8105-3, 8106-3 and 8107-3

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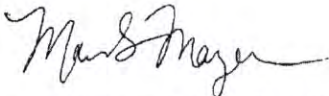
**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

October 8, 2025

NOTICE OF HEARING

To: Bixler Farms and Bixler Land, c/o Reed Bixler
39477 184th St
Hitchcock SD 57348

From: Mark Mayer, PE 
Acting Chief Engineer

Subject: **Re-Scheduled** Five-Year Review to Determine the Availability of Unappropriated Water in the
Tulare: Western Spink Hitchcock Aquifer concerning held Application No(s). 8099-3, 8100-3,
8101-3, 8102-3, 8103-3, 8104-3, 8105-3, 8106-3 and 8107-3

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**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

August 27, 2025

NOTICE OF HEARING

To: Van Buskirk Farms LLP, c/o Matthew Van Buskirk
18892 390th Ave
Hitchcock SD 57348

From: Mark Mayer, PE *Mark Mayer*
Acting Chief Engineer

Subject: Five-Year Review to Determine the Availability of Unappropriated Water in the Tulare: Western Spink Hitchcock Aquifer concerning held Application No(s). 8108-3, 8109-3, 8110-3 and 8111-3

Important: Your written response is required within 30 days, notifying the acting Chief Engineer whether you wish for Application No(s). 8108-3, 8109-3, 8110-3 and 8111-3 to retain eligibility for any water that may become available from the aquifer. Failure to provide a written response results in withdrawal of your held application(s). Send response to: Atten. Amanda Dewell, Water Rights Program, 523 E. Capitol Ave., Pierre SD 57501.

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The next five-year review by the Board is scheduled for 10:15 AM (Central Time), on Wednesday, October 1, 2025, at the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Ave, Pierre SD 57501. You do NOT need to be present at the hearing for your application(s) to retain eligibility. However, SDCL 46-2A-7.5 requires any applicant, such as yourself, to notify the Chief Engineer in writing within thirty days of receipt of this notice, whether you desire to retain eligibility to appropriate any water the Board may determine is available. Failure to respond in writing within 30 days constitutes withdrawal of your application(s).

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**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

September 23, 2025

NOTICE OF POSTPONEMENT OF HEARING

To: Van Buskirk Farms LLP, c/o Matthew Van Buskirk
18892 390th Ave
Hitchcock SD 57348

From: *for* Mark Mayer, PE *Ron Duvall*
Acting Chief Engineer

Subject: POSTPONEMENT of Five-Year Review to Determine the Availability of Unappropriated Water
in the Tulare: Western Spink Hitchcock Aquifer concerning held Application No(s). 8108-3,
8109-3, 8110-3 and 8111-3

The five-year review by the Board scheduled for Wednesday, October 1, 2025, in Pierre SD has been postponed due to the public notice of hearing not getting published in a newspaper. **The hearing will NOT be held on October 1, 2025.**

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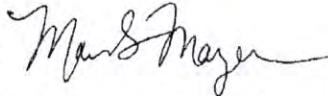
**DEPARTMENT of AGRICULTURE
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JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
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October 8, 2025

NOTICE OF HEARING

To: Van Buskirk Farms LLP, c/o Matthew Van Buskirk
18892 390th Ave
Hitchcock SD 57348

From: Mark Mayer, PE 
Acting Chief Engineer

Subject: **Re-Scheduled** Five-Year Review to Determine the Availability of Unappropriated Water in the
Tulare: Western Spink Hitchcock Aquifer concerning held Application No(s). 8108-3, 8109-3,
8110-3 and 8111-3

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The next five-year review by the Board is scheduled for **9:45 AM (Central Time), on Wednesday, December 3, 2025, at the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Ave, Pierre SD 57501.** You do NOT need to be present at the hearing for your application(s) to retain eligibility.

A 2025 aquifer status report has been prepared for the Board's consideration. The 2025 aquifer status report and a copy of a public notice to be published concerning the December 3, 2025, hearing will both be available online at <https://danr.sd.gov/OfficeOfWater/WaterRights/aquifer/> or a hard copy will be provided upon request. At the December 3, 2025, hearing, the Board is authorized to 1) determine that additional water is available for appropriation, 2) determine that no additional water is available for appropriation, or 2) defer action for further study. The hearing 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-7.5, the Board has legal authority and jurisdiction to conduct this hearing. After the hearing is conducted by the Board, you will be notified of the Board's decision.

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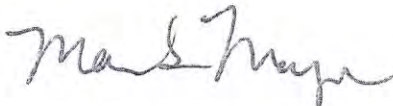
**DEPARTMENT of AGRICULTURE
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JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

August 27, 2025

NOTICE OF HEARING

To: Martin Anderson
19411 394th Ave
Hitchcock SD 57348

From: Mark Mayer, PE
Acting Chief Engineer 

Subject: Five-Year Review to Determine the Availability of Unappropriated Water in the Tulare: Western Spink Hitchcock Aquifer concerning held Application No(s). 8120-3

Important: Your written response is required within 30 days, notifying the acting Chief Engineer whether you wish for Application No(s). 8120-3 to retain eligibility for any water that may become available from the aquifer. Failure to provide a written response results in withdrawal of your held application(s). Send response to: Atten. Amanda Dewell, Water Rights Program, 523 E. Capitol Ave., Pierre SD 57501.

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The next five-year review by the Board is scheduled for 10:15 AM (Central Time), on Wednesday, October 1, 2025, at the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Ave, Pierre SD 57501. You do NOT need to be present at the hearing for your application(s) to retain eligibility. However, SDCL 46-2A-7.5 requires any applicant, such as yourself, to notify the Chief Engineer in writing within thirty days of receipt of this notice, whether you desire to retain eligibility to appropriate any water the Board may determine is available. Failure to respond in writing within 30 days constitutes withdrawal of your application(s).

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

September 23, 2025

NOTICE OF POSTPONEMENT OF HEARING

To: Martin Anderson
19411 394th Ave
Hitchcock SD 57348

From: *for* Mark Mayer, PE
Acting Chief Engineer 

Subject: POSTPONEMENT of Five-Year Review to Determine the Availability of Unappropriated Water
in the Tulare: Western Spink Hitchcock Aquifer concerning held Application No(s). 8120-3

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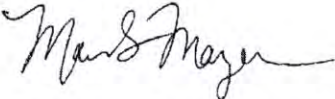
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October 8, 2025

NOTICE OF HEARING

To: Martin Anderson
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Hitchcock SD 57348

From: Mark Mayer, PE 
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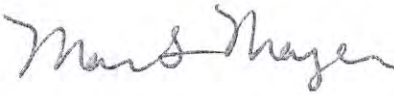
**DEPARTMENT of AGRICULTURE
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PIERRE SD 57501-3182
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August 27, 2025

NOTICE OF HEARING

To: Allen Gatzke / Jeffery Gatzke
25868 478th Ave
Brandon SD 57348

From: Mark Mayer, PE 
Acting Chief Engineer

Subject: Five-Year Review to Determine the Availability of Unappropriated Water in the Tulare: Western Spink Hitchcock Aquifer concerning held Application No(s). 8121-3 and 8122-3

Important: Your written response is required within 30 days, notifying the acting Chief Engineer whether you wish for Application No(s). 8121-3 and 8122-3 to retain eligibility for any water that may become available from the aquifer. Failure to provide a written response results in withdrawal of your held application(s). Send response to: Atten. Amanda Dewell, Water Rights Program, 523 E. Capitol Ave., Pierre SD 57501.

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September 23, 2025

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From: *for* Mark Mayer, PE
Acting Chief Engineer

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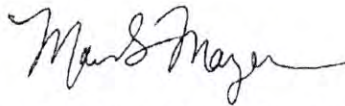
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October 8, 2025

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From: Mark Mayer, PE 
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523 E. CAPITOL AVE
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August 27, 2025

NOTICE OF HEARING

To: Jeff Hamilton
19575 382nd Ave
Wessington SD 57381

From: Mark Mayer, PE
Acting Chief Engineer

Subject: Five-Year Review to Determine the Availability of Unappropriated Water in the Tulare: Western Spink Hitchcock Aquifer concerning held Application No(s). 8129-3 and 8130-3

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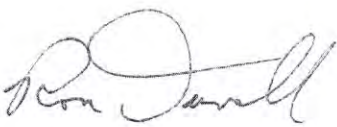
**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

September 23, 2025

NOTICE OF POSTPONEMENT OF HEARING

To: Jeff Hamilton
19575 382nd Ave
Wessington SD 57381

From: Mark Mayer, PE
Acting Chief Engineer 

Subject: POSTPONEMENT of Five-Year Review to Determine the Availability of Unappropriated Water in the Tulare: Western Spink Hitchcock Aquifer concerning held Application No(s). 8129-3 and 8130-3

The five-year review by the Board scheduled for Wednesday, October 1, 2025, in Pierre SD has been postponed due to the public notice of hearing not getting published in a newspaper. **The hearing will NOT be held on October 1, 2025.**

The hearing will be rescheduled for the December meeting of the Water Management Board which is tentatively scheduled for December 3 and 4, 2025. Future notice will be provided of the exact time and place of hearing which will likely be in Pierre.

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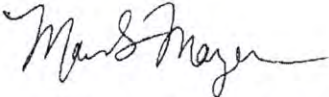
**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
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October 8, 2025

NOTICE OF HEARING

To: Jeff Hamilton
19575 382nd Ave
Wessington SD 57381

From: Mark Mayer, PE 
Acting Chief Engineer

Subject: **Re-Scheduled** Five-Year Review to Determine the Availability of Unappropriated Water in the
Tulare: Western Spink Hitchcock Aquifer concerning held Application No(s). 8129-3 & 8130-3

The Water Management Board (Board) previously determined the average annual withdrawal of water from the Tulare: Western Spink Hitchcock Aquifer is equal to the average estimated annual recharge and deemed the aquifer fully appropriated. Pursuant to South Dakota Codified Law (SDCL) 46-2A-7.1, the Board held a hearing for the purpose of accepting applications for potential future appropriations from the aquifer and created a priority list. The hearing was held on May 7, 2015. Twenty-eight applications were prioritized and held by the Board for possible future action.

Pursuant to SDCL 46-2A-7.5, the Board is required to hold a public hearing reviewing the groundwater source, all permits appropriating water from that source, and all held applications (such as yours) at least once every five years, to determine whether unappropriated water has become available for use. On October 7, 2020, the first five-year review was conducted by the Board. During the review, the Board decided water was not available for appropriation. Currently, twenty-seven applications remain in held status since one application was withdrawn. Included in the twenty-seven applications, is/are the application(s) submitted by Jeff Hamilton: 8129-3 - NW 1/4 Sec 6-T113N-R64W; and 8130-3 - NE 1/4 Sec 6-T113N-R64W.

The next five-year review by the Board is scheduled for **9:45 AM (Central Time), on Wednesday, December 3, 2025, at the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Ave, Pierre SD 57501.** You do NOT need to be present at the hearing for your application(s) to retain eligibility.

A 2025 aquifer status report has been prepared for the Board's consideration. The 2025 aquifer status report and a copy of a public notice to be published concerning the December 3, 2025, hearing will both be available online at <https://danr.sd.gov/OfficeOfWater/WaterRights/aquifer/> or a hard copy will be provided upon request. At the December 3, 2025, hearing, the Board is authorized to 1) determine that additional water is available for appropriation, 2) determine that no additional water is available for appropriation, or 2) defer action for further study. The hearing 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-7.5, the Board has legal authority and jurisdiction to conduct this hearing. After the hearing is conducted by the Board, you will be notified of the Board's decision.

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

August 27, 2025

NOTICE OF HEARING

To: Scott Hamilton
37987 191th St
Hitchcock SD 57348

From: Mark Mayer, PE
Acting Chief Engineer

Subject: Five-Year Review to Determine the Availability of Unappropriated Water in the Tulare: Western Spink Hitchcock Aquifer concerning held Application No(s). 8131-3 and 8133-3

Important: Your written response is required within 30 days, notifying the acting Chief Engineer whether you wish for Application No(s). 8131-3 and 8133-3 to retain eligibility for any water that may become available from the aquifer. Failure to provide a written response results in withdrawal of your held application(s). Send response to: Atten. Amanda Dewell, Water Rights Program, 523 E. Capitol Ave., Pierre SD 57501.

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The next five-year review by the Board is scheduled for 10:15 AM (Central Time), on Wednesday, October 1, 2025, at the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Ave, Pierre SD 57501. You do NOT need to be present at the hearing for your application(s) to retain eligibility. However, SDCL 46-2A-7.5 requires any applicant, such as yourself, to notify the Chief Engineer in writing within thirty days of receipt of this notice, whether you desire to retain eligibility to appropriate any water the Board may determine is available. Failure to respond in writing within 30 days constitutes withdrawal of your application(s).

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September 23, 2025

NOTICE OF POSTPONEMENT OF HEARING

To: Scott Hamilton
37987 191th St
Hitchcock SD 57348

From: *for* Mark Mayer, PE
Acting Chief Engineer *Ron Duvall*

Subject: POSTPONEMENT of Five-Year Review to Determine the Availability of Unappropriated Water in the Tulare: Western Spink Hitchcock Aquifer concerning held Application No(s). 8131-3 and 8133-3

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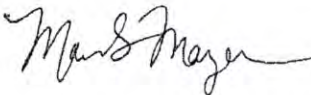
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October 8, 2025

NOTICE OF HEARING

To: Scott Hamilton
37987 191th St
Hitchcock SD 57348

From: Mark Mayer, PE 
Acting Chief Engineer

Subject: **Re-Scheduled** Five-Year Review to Determine the Availability of Unappropriated Water in the
Tulare: Western Spink Hitchcock Aquifer concerning held Application No(s). 8131-3 & 8133-3

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PIERRE SD 57501-3182
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August 27, 2025

NOTICE OF HEARING

To: Hamilton Family LLC, c/o Scott Hamilton
37987 191th St
Hitchcock SD 57348

From: Mark Mayer, PE *Mark Mayer*
Acting Chief Engineer

Subject: Five-Year Review to Determine the Availability of Unappropriated Water in the Tulare: Western Spink Hitchcock Aquifer concerning held Application No(s). 8132-3

Important: Your written response is required within 30 days, notifying the acting Chief Engineer whether you wish for Application No(s). 8132-3 to retain eligibility for any water that may become available from the aquifer. Failure to provide a written response results in withdrawal of your held application(s). Send response to: Atten. Amanda Dewell, Water Rights Program, 523 E. Capitol Ave., Pierre SD 57501.

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September 23, 2025

NOTICE OF POSTPONEMENT OF HEARING

To: Hamilton Family LLC, c/o Scott Hamilton
37987 191th St
Hitchcock SD 57348

From: *fa* Mark Mayer, PE
Acting Chief Engineer *Ron Duvall*

Subject: POSTPONEMENT of Five-Year Review to Determine the Availability of Unappropriated Water
in the Tulare: Western Spink Hitchcock Aquifer concerning held Application No(s). 8132-3

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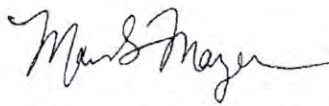
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October 8, 2025

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From: Mark Mayer, PE 
Acting Chief Engineer

Subject: **Re-Scheduled** Five-Year Review to Determine the Availability of Unappropriated Water in the
Tulare: Western Spink Hitchcock Aquifer concerning held Application No(s). 8132-3

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August 27, 2025

NOTICE OF HEARING

To: Loren or Cynthia Marzahn
39207 182nd St
Redfield SD 57469

From: Mark Mayer, PE *Mark Mayer*
Acting Chief Engineer

Subject: Five-Year Review to Determine the Availability of Unappropriated Water in the Tulare: Western Spink Hitchcock Aquifer concerning held Application No(s). 8135-3

Important: Your written response is required within 30 days, notifying the acting Chief Engineer whether you wish for Application No(s). 8135-3 to retain eligibility for any water that may become available from the aquifer. Failure to provide a written response results in withdrawal of your held application(s). Send response to: Atten. Amanda Dewell, Water Rights Program, 523 E. Capitol Ave., Pierre SD 57501.

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September 23, 2025

NOTICE OF POSTPONEMENT OF HEARING

To: Loren or Cynthia Marzahn
39207 182nd St
Redfield SD 57469

From:  Mark Mayer, PE
Acting Chief Engineer 

Subject: POSTPONEMENT of Five-Year Review to Determine the Availability of Unappropriated Water
in the Tulare: Western Spink Hitchcock Aquifer concerning held Application No(s). 8135-3

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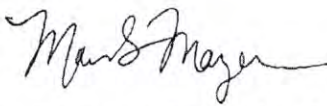
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From: Mark Mayer, PE 
Acting Chief Engineer

Subject: **Re-Scheduled** Five-Year Review to Determine the Availability of Unappropriated Water in the
Tulare: Western Spink Hitchcock Aquifer concerning held Application No(s). 8135-3

The Water Management Board (Board) previously determined the average annual withdrawal of water from the Tulare: Western Spink Hitchcock Aquifer is equal to the average estimated annual recharge and deemed the aquifer fully appropriated. Pursuant to South Dakota Codified Law (SDCL) 46-2A-7.1, the Board held a hearing for the purpose of accepting applications for potential future appropriations from the aquifer and created a priority list. The hearing was held on May 7, 2015. Twenty-eight applications were prioritized and held by the Board for possible future action.

Pursuant to SDCL 46-2A-7.5, the Board is required to hold a public hearing reviewing the groundwater source, all permits appropriating water from that source, and all held applications (such as yours) at least once every five years, to determine whether unappropriated water has become available for use. On October 7, 2020, the first five-year review was conducted by the Board. During the review, the Board decided water was not available for appropriation. Currently, twenty-seven applications remain in held status since one application was withdrawn. Included in the twenty-seven applications, is/are the application(s) submitted by Loren or Cynthia Marzahn: 8135-3 - NE 1/4 Sec 28-T115N-R63W.

The next five-year review by the Board is scheduled for **9:45 AM (Central Time), on Wednesday, December 3, 2025, at the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Ave, Pierre SD 57501.** You do NOT need to be present at the hearing for your application(s) to retain eligibility.

A 2025 aquifer status report has been prepared for the Board's consideration. The 2025 aquifer status report and a copy of a public notice to be published concerning the December 3, 2025, hearing will both be available online at <https://danr.sd.gov/OfficeOfWater/WaterRights/aquifer/> or a hard copy will be provided upon request. At the December 3, 2025, hearing, the Board is authorized to 1) determine that additional water is available for appropriation, 2) determine that no additional water is available for appropriation, or 2) defer action for further study. The hearing 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-7.5, the Board has legal authority and jurisdiction to conduct this hearing. After the hearing is conducted by the Board, you will be notified of the Board's decision.

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.

Questions regarding the hearing process, or a copy of the report and public notice, may be directed to Amanda Dewell (Amanda.Dewell@state.sd.us) or Ron Duvall (Ron.Duvall@state.sd.us), Water Rights Program at (605) 773-3352.



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

August 27, 2025

NOTICE OF HEARING

To: Ken & Jodi Hofer
19343 398th Ave
Hitchcock SD 57348

From: Mark Mayer, PE
Acting Chief Engineer

Subject: Five-Year Review to Determine the Availability of Unappropriated Water in the Tulare: Western Spink Hitchcock Aquifer concerning held Application No(s). 8137-3 and 8138-3

Important: Your written response is required within 30 days, notifying the acting Chief Engineer whether you wish for Application No(s). 8137-3 and 8138-3 to retain eligibility for any water that may become available from the aquifer. Failure to provide a written response results in withdrawal of your held application(s). Send response to: Atten. Amanda Dewell, Water Rights Program, 523 E. Capitol Ave., Pierre SD 57501.

The Water Management Board (Board) previously determined the average annual withdrawal of water from the Tulare: Western Spink Hitchcock Aquifer is equal to the average estimated annual recharge and deemed the aquifer fully appropriated. Pursuant to South Dakota Codified Law (SDCL) 46-2A-7.1, the Board held a hearing for the purpose of accepting applications for potential future appropriations from the aquifer and created a priority list. The hearing was held on May 7, 2015. Twenty-eight applications were prioritized and held by the Board for possible future action.

Pursuant to SDCL 46-2A-7.5, the Board is required to hold a public hearing reviewing the groundwater source, all permits appropriating water from that source, and all held applications (such as yours) at least once every five years, to determine whether unappropriated water has become available for use. On October 7, 2020, the first five-year review was conducted by the Board. During the review, the Board decided water was not available for appropriation. Currently, twenty-seven applications remain in held status since one application was withdrawn. Included in the twenty-seven applications, is/are the application(s) submitted by Ken & Jodi Hofer: 8137-3 - NE 1/4 Sec 21-T113N-R62W; and 8138-3 - SE 1/4 Sec 31-T113N-R62W.

The next five-year review by the Board is scheduled for 10:15 AM (Central Time), on Wednesday, October 1, 2025, at the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Ave, Pierre SD 57501. You do NOT need to be present at the hearing for your application(s) to retain eligibility. However, SDCL 46-2A-7.5 requires any applicant, such as yourself, to notify the Chief Engineer in writing within thirty days of receipt of this notice, whether you desire to retain eligibility to appropriate any water the Board may determine is available. Failure to respond in writing within 30 days constitutes withdrawal of your application(s).

A 2025 aquifer status report has been prepared for the Board's consideration. The 2025 aquifer status report and a copy of a public notice to be published concerning the October 1, 2025, hearing are both available online at <https://danr.sd.gov/OfficeOfWater/WaterRights/aquifer/> or a hard copy will be provided upon request.

At the October 1, 2025, hearing, the Board is authorized to 1) determine that additional water is available for appropriation, 2) determine that no additional water is available for appropriation, or 2) defer action for further study. The hearing 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-7.5, the Board has legal authority and jurisdiction to conduct this hearing. After the hearing is conducted by the Board, you will be notified of the Board's decision.

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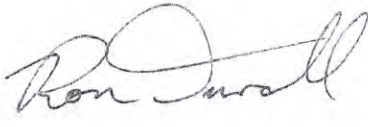
**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

September 23, 2025

NOTICE OF POSTPONEMENT OF HEARING

To: Ken & Jodi Hofer
19343 398th Ave
Hitchcock SD 57348

From: *for* Mark Mayer, PE
Acting Chief Engineer 

Subject: POSTPONEMENT of Five-Year Review to Determine the Availability of Unappropriated Water
in the Tulare: Western Spink Hitchcock Aquifer concerning held Application No(s). 8137-3 and
8138-3

The five-year review by the Board scheduled for Wednesday, October 1, 2025, in Pierre SD has been postponed due to the public notice of hearing not getting published in a newspaper. **The hearing will NOT be held on October 1, 2025.**

The hearing will be rescheduled for the December meeting of the Water Management Board which is tentatively scheduled for December 3 and 4, 2025. Future notice will be provided of the exact time and place of hearing which will likely be in Pierre.

We apologize for any inconvenience this may cause. If you have any questions, please contact Amanda Dewell (Amanda.Dewell@state.sd.us) or Ron Duvall (Ron.Duvall@state.sd.us), Water Rights Program at (605) 773-3352.



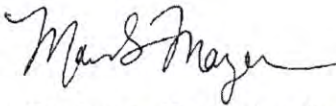
**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

October 8, 2025

NOTICE OF HEARING

To: Ken & Jodi Hofer
19343 398th Ave
Hitchcock SD 57348

From: Mark Mayer, PE
Acting Chief Engineer 

Subject: **Re-Scheduled** Five-Year Review to Determine the Availability of Unappropriated Water in the
Tulare: Western Spink Hitchcock Aquifer concerning held Application No(s). 8137-3 & 8138-3

The Water Management Board (Board) previously determined the average annual withdrawal of water from the Tulare: Western Spink Hitchcock Aquifer is equal to the average estimated annual recharge and deemed the aquifer fully appropriated. Pursuant to South Dakota Codified Law (SDCL) 46-2A-7.1, the Board held a hearing for the purpose of accepting applications for potential future appropriations from the aquifer and created a priority list. The hearing was held on May 7, 2015. Twenty-eight applications were prioritized and held by the Board for possible future action.

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The next five-year review by the Board is scheduled for **9:45 AM (Central Time), on Wednesday, December 3, 2025, at the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Ave, Pierre SD 57501.** You do NOT need to be present at the hearing for your application(s) to retain eligibility.

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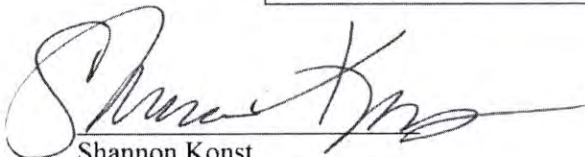
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CERTIFICATION

The undersigned hereby certifies under the penalty of perjury that a true and correct copy of a **Notice of Hearing** dated August 27, 2025, regarding a Five-Year Review of the **Tulare: Western Spink Hitchcock Aquifer** was served upon the following applicants by enclosing the same in an envelope and sent via certified United States mail on August 27, 2025.

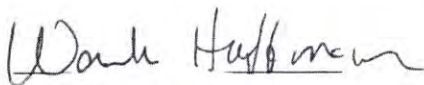
8084-3, 8085-3, and 8128-3 Riverside Hutterian Brethren c/o Samuel or Bennett Waldner 40361 200th St Huron SD 57350	8129-3 and 8130-3 Jeff Hamilton 19575 382nd Ave Wessington SD 57381
8099-3, 8100-3, 8101-3, 8102-3, 8103-3, 8104-3, 8105-3, 8106-3 and 8107-3 Bixler Farms and Bixler Land c/o Reed Bixler 39477 184th St Hitchcock SD 57348	8131-3 and 8133-3 Scott Hamilton 37987 191st St Hitchcock SD 57348
8108-3, 8109-3, 8110-3 and 8111-3 Van Buskirk Farms LLP c/o Matthew Van Buskirk 18892 390th Ave Hitchcock SD 57348	8132-3 Hamilton Family LLC c/o Scott Hamilton 37987 191st St Hitchcock SD 57348
8120-3 Martin Anderson 19411 394th Ave Hitchcock SD 57348	8135-3 Loren or Cynthia Marzahn 39207 182nd St Redfield SD 57469
8121-3 and 8122-3 Allen Gatzke / Jeffery Gatzke 25868 478th Ave Brandon SD 57348	8137-3 and 8138-3 Ken & Jodi Hofer 19343 398th Ave Hitchcock SD 57348



Shannon Konst
Senior Secretary-Water Rights

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 27th day of August, 2025.



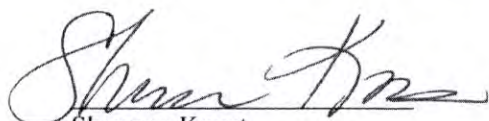
Wanda Huffman
My Commission Expires
July 28, 2028



CERTIFICATION

The undersigned hereby certifies under the penalty of perjury that a true and correct copy of a **Notice of Postponement of Hearing** dated September 23, 2025, regarding a Five-Year Review of the **Tulare: Western Spink Hitchcock Aquifer** was served upon the following applicants by enclosing the same in an envelope and sent via United States mail on September 23, 2025.

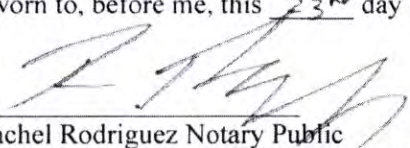
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Shannon Konst
Senior Secretary-Water Rights

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 23rd day of Sept, 2025.

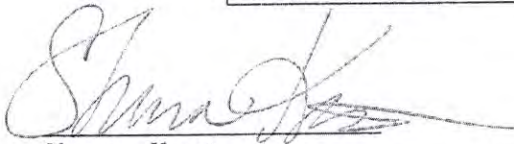

Rachel Rodriguez Notary Public
My Commission expires May 16, 2029



CERTIFICATION

The undersigned hereby certifies under the penalty of perjury that a true and correct **Notice of Hearing** dated October 8, 2025, regarding the re-scheduled Five-Year Review of the **Tulare: Western Spink Hitchcock Aquifer** was served upon the following applicants by enclosing the same in an envelope and sent via United States mail on October 8, 2025.

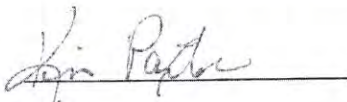
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Shannon Konst
Senior Secretary-Water Rights

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 8th day of October, 2025.



Kim Paxton
My Commission Expires
November 18, 2026



LOCALiQ

Aberdeen News
Watertown Public Opinion

PO Box 630567 Cincinnati, OH 45263-0567

AFFIDAVIT OF PUBLICATION

WATER RIGHTS PROGRAM
Dept Of Environ & Nat Resource
Water Rights Program
523 E Capitol Joe Foss Bldg
Pierre SD 57501

STATE OF SOUTH DAKOTA, COUNTY OF BROWN

The AMERICAN NEWS is a daily newspaper of general circulation, printed and published in Aberdeen, Brown County, South Dakota, and has been such a newspaper during the times hereinafter mentioned; and personal knowledge of the facts herein state that the notice hereto annexed was Published in said newspapers in the issue dated:

10/23/2025

That said newspaper is a legal newspaper published five days or more each week; with a bona fide circulation of more than two hundred copies daily; published in the English language within the said county of Brown for more than one year prior to the first publication of said notice; and printed in whole in an office maintained at the place of publication of said newspaper.
Sworn to and subscribed before on 10/23/2025

Legal Clerk

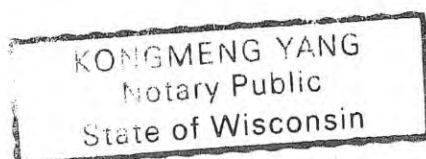
Notary, State of WI, County of Brown

My commission expires

Publication Cost:	\$40.70	
Tax Amount:	\$0.00	
Payment Cost:	\$40.70	
Order No:	11760605	# of Copies:
Customer No:	1248802	1
PO #:		

THIS IS NOT AN INVOICE!

Please do not use this form for payment remittance.



**Notice of Hearing
Regarding Five-Year
Review to Determine the
Availability of
Unappropriated Water in
the Tulare: Western Spink
Hitchcock Aquifer**

The Water Management Board (Board) previously determined that the average annual withdrawal of water from the Tulare: Western Spink Hitchcock Aquifer is equal to the average estimated annual recharge and deemed the aquifer fully appropriated. A map showing the approximate boundary of the aquifer; this public notice; and a report prepared for the Board to review is available online at

<https://danr.sd.gov/OfficeOfWater/WaterRights/aquifer/>.

Pursuant to statute, the Board held a hearing for the purpose of accepting applications for potential future appropriations from the aquifer and creating a priority list. That hearing was held on May 7, 2015. Twenty-eight applications were prioritized by the Board and were being held for possible future action. One application was withdrawn during a five-year review in October 2020 leaving twenty-seven held applications.

Pursuant to SDCL 46-2A-7.5, the Board is required to hold a public hearing reviewing the groundwater source, all permits appropriating water from that source, and all held applications at least once every five years to determine whether unappropriated water has become available for use. A five-year review is scheduled for 9:45 AM (Central Time), on Wednesday, December 3, 2025, at the Floyd Matthew Training Center, Joe Foss Building, 523 E. Capitol Avenue, Pierre SD. The Board is authorized to 1) determine that additional water is available for appropriation, 2) determine that no additional water is available for appropriation, or 3) defer action for further study. The hearing 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-7.5, the Board has legal authority and jurisdiction to conduct this hearing. The hearing may be listened to at <https://www.sd.net> or, to participate remotely, visit the SD Boards and Commissions Portal and search for Water Management Board.

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Published once at the total approximate cost of \$40.70 and may be viewed free of charge at www.sdpublicnotices.com.

Proof Of Publication

Huron Plainsman
49 3rd Street SE
Huron, SD 57350
605-353-7402
Legal Notice Number: 3310

I, Shelly Ames, being duly sworn on oath say that the Plainsman is a daily paper published at Huron, Beadle County South Dakota, and that said newspaper has a bona fide circulation of at least 250 copies daily; that said newspaper has been published within said county for fifty-two consecutive weeks immediately prior to this date, that said newspaper is printed in whole or in part, in an office maintained at said place of publication; that I am a Legal Advertising SD – DANR – Tulare: Western Spink Hitchcock Aquifer published for one day, in said newspaper and not in any supplement of the said newspaper, the publication was on 10/22/2025. The full amount of the fee charged for publishing \$35.34 is to the benefit of the publisher of said newspaper; that no agreement or understanding of the division thereof has been made with any other person, and that no part thereof has been agreed to be paid to any person whomever.

Shelly Ames

Subscribed and sworn to me before this date 10-23-25

[Signature]

Notary Public, South Dakota

My Term Expires 04/26/2028



RECEIVED

OCT 23 2025

Water Rights
Program

items on the agenda. Pursuant to SDCL 46-2-9, 46-2-11, and 46-2A-7.5, the Board has legal authority and jurisdiction to conduct this hearing. The hearing may be listened to at <https://www.sd.net> or, to participate remotely, visit the SD Boards and Commissions Portal and search for Water Management Board.

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No. 3310 (adv.)
Published once at the total approximate cost of \$35.34 and may be viewed free of charge at www.sdpublicnotices.com.

F. P. 10-22-25

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Regarding Five-Year
Review to Determine
the Availability of
Unappropriated
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Western Spink
Hitchcock Aquifer**

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RECEIVED

OCT 23 2025

Water Rights
Program

Notice of Hearing

#8005

Notice of Hearing Regarding Five-Year Review to Determine the Availability of Unappropriated Water in the Tulare: Western Spink Hitchcock Aquifer

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Published one time at the total approximate cost of \$28.51 and may be viewed free of charge at www.sdpublicnotices.com. (Oct. 22)

Affidavit of Publication

STATE OF SOUTH DAKOTA,
County of Spink: ss.

I, Cindy Crook, being duly sworn on oath, say that THE REDFIELD PRESS is a weekly newspaper as defined in Sec. 65.0508 South Dakota Code 1939, as amended by Chapter 298 of the Session of Laws of 1939, printed and published in the English language in the City of Redfield, in said County and State, by THE REDFIELD PRESS. I, Cindy Crook, am Legal Advertising Coordinator of said newspaper and know the facts herein state. The annexed notice headed:

#8005 NOTICE OF HEARING

was printed and published in said newspaper in 1 issue, to wit: The first publication being made on October 22nd, That Twenty-Eight and 51/100 dollars insures to the benefit of the publisher of THE REDFIELD PRESS, 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.

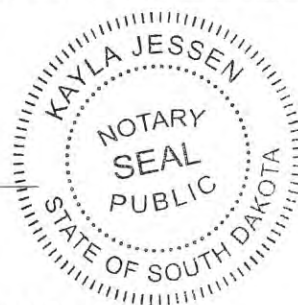
Cindy Crook

Subscribed and sworn to before me this 22nd, day of October, 2025

Kayla Jessen

Notary Public, South Dakota

My commission expires 09/26/2030





423 S. MAIN ST. | ABERDEEN, SD 57401
(605) 226-3481 | ABERDEENINSIDER.COM

Proof of Publication

This is not an invoice.

DANR-SD Water Rights Program
Rachel Rodriguez
523 E. Capitol Ave
Pierre, SD 57501
Ph: (605) 773-4063

RECEIVED

OCT 23 2025

Water Rights
Program

The **Aberdeen Insider** is a weekly newspaper of general circulation, posted online, printed, and published in Aberdeen, Brown County, South Dakota since January 25, 2023. This is an acknowledgement that the attached/included public notice was included in the printed edition(s) of the **Aberdeen Insider**:

October 23, 2025 – DANR SD Water Rights Program - Notice of Hearing 5-Year Review Western
Spink Hitchcock
(109 lines @.289 each)

I, Troy McQuillen (Owner and Publisher), under oath, do swear that I am the publisher of the **Aberdeen Insider**, and that the **Aberdeen Insider** is a local newspaper as described in South Dakota codified laws and maintains a paid print circulation of over 2,500 weekly.

Total Cost: \$31.50

Publisher:

Notary

Sworn to and subscribed before on **October 23, 2025**

Notary, State of SD, County of Brown

My Commission Expires: 8/25/2031



This is not an invoice.

LEGALS

Continued from Page 7C

REIMBURSEMENT 50.00
BERGAN SHANNON 2025-
2026 TUTION 100.00 BOWEN
THERESA 2025-2026 TUTION
300.00 BREIDENBACH
MADELINE VOLLEYBALL
OFFICIAL 150.00 BROWN
JAMES 2025-2026 TUTION
300.00 BROWNELL EUGENE
CROSS COUNTRY MEET
WORKER 75.00 BROWNELL
JULIE CROSS COUNTRY
MEET WORKER 75.00
BRUST SARAH 2025-2026
TUTION 285.00 CARLSON
HANNAH 2025-2026 TUTION
300.00 CARLSON JOSHUA
2025-2026 TUTION 100.00
CASTELLANOS TULVIA
SOCCER OFFICIAL 100.00
CHRISTENSON BRADLEY
2025-2026 TUTION 200.00
CONKIN BRITANNY 2025-
2026 TUTION 45.00 DEGROOT
BROCK FOOTBALL OFFICIAL
190.00 ELTS BAHAMONDE
DIMKA 2025-2026 TUTION
300.00 FELIZ MERCEDES
UNIFORM ALLOWANCE 63.50
FLAKUS JAKE 2025-2026
TUTION 300.00 FOX JUSTIN
2025-2026 TUTION 300.00
GANNETT SOUTH DAKOTA
LOCAL SUBSCRIPTION
RENEWAL 207.35 GAUGER
CAMERON ACCOMPANY
50.00 GROSS KENNY 2025-
2026 TUTION 300.00 GUFFIN
DR BECKY REIMBURSEMENT
574.57 HANSEN KATHERINE
2025-2026 TUTION 300.00
HANSEN KENT FOOTBALL
OFFICIAL 190.00 HEGGE
SAMANTHA DEBATE JUDGE
60.00 HELMS KELLY 2025-
2026 TUTION 40.00 HELWIG
PARKER SOCCER OFFICIAL
212.00 JOHNSON KEITH
UNIFORM ALLOWANCE 62.44
JONDAHL TANNER DONALD
FOOTBALL OFFICIAL 90.00
JONES MARTIN DEBATE
JUDGE 60.00 KONDA
KERRY 2025-2026 TUTION
200.00 KOST DIANE CROSS
COUNTRY MEET WORKER
75.00 LANG GAYLAN CROSS
COUNTRY MEET WORKER
75.00 LEFERS MATTHEW
SOCCER OFFICIAL 261.62
LEIDHOLT ERIN VOLLEYBALL
OFFICIAL 160.00 LITZ
MIRANDA 2025-2026 TUTION
300.00 LUTZ DOUG SOCCER
OFFICIAL 155.00 MAYER
SCOTT UNIFORM ALLOWANCE
175.00 MCQUILLEN CREATIVE
GROUP SUBSCRIPTION
RENEWAL 95.00 MCQUILLEN
TERRA 2025-2026 TUTION
300.00 MENKEN JORDAN
VOLLEYBALL LINE JUDGE
160.00 METTLER TARYN
SOCCER OFFICIAL 50.00
NASH CRYSTAL 2025-2026
TUTION 160.00 NEER CASSIDY
VOLLEYBALL OFFICIAL 390.00
NELSON MARK VOLLEYBALL
OFFICIAL 192.00 NORBERG
BRENT FOOTBALL OFFICIAL
100.00 NORBERT STANLEY
UNIVERSITY NSU CHORAL
DAY 144.00 NYGAARD CALVIN
VOLLEYBALL OFFICIAL
330.00 OPP MICHAEL W
SOCCER OFFICIAL 130.00
ROOK KEVIN FOOTBALL
OFFICIAL 100.00 ROSE JOSH
SOCCER OFFICIAL 125.00
RYAN KATELYN DEBATE
JUDGE 75.00 SADLER
KAREN REIMBURSEMENT
369.91 SAHLI JEFFREY
SOCCER OFFICIAL 140.00
SAMSON ANGEL 2025-2026
TUTION 200.00 SANNES
RYAN FOOTBALL OFFICIAL
100.00 SCHRIVER LISA
CROSS COUNTRY MEET
WORKER 195.00 SD STATE
HISTORICAL SOCIETY
INSTRUCTIONAL SUPPLIES
35.00
SIEBRASSE NICOLE
2025-2026 TUTION 300.00
SPEER TODD UNIFORM
ALLOWANCE 63.71 STADEL
RYLIE 2025-2026 TUTION
45.00 SUNAHARA DONNA
VOLLEYBALL OFFICIAL
556.52 SWENSON MICHAEL
2025-2026 TUTION 200.00
THOMPSON AMY VOLLEYBALL
OFFICIAL 120.00 THOMPSON
KENNADY VOLLEYBALL
OFFICIAL 360.00 WALKS
TABITHA VOLLEYBALL
OFFICIAL 60.00 WEED KIM
VOLLEYBALL OFFICIAL
537.93 WEISMANTEL MARTY
FOOTBALL OFFICIAL 117.51
WENBOURNE KERRY
VOLLEYBALL OFFICIAL
100.00 WILLIAMS CHARLOTTE
DEBATE JUDGE 60.00
WOLLMAN BREANNA

DEBATE JUDGE 75.00
YANKTON BAND BOOSTERS
REGISTRATION FEE 250.00
FUND TOTAL: 14,451.24
SPECIAL EDUCATION
FUND BOHL HAYDEN
REIMBURSEMENT 31.88
FOOD SERVICE HARRIS
REIMBURSEMENT 150.00
KUF ELLIOT MILEAGE
REIMBURSEMENT 536.00
NEHLICH ANNA
REIMBURSEMENT 49.95
UNION MEGAN AUG-SEPT
2025 MILEAGE 23.52 FUND
TOTAL 791.35 FOOD SERVICE
FUND PISTULKA JANET
UNIFORM ALLOWANCE
200.00 **FUND TOTAL: 200.00**
CHECKING ACCOUNT
TOTAL: 15,442.58 GENERAL
FUND JONES MARTIN
DEBATE JUDGE 60.00 FUND
TOTAL 60.00 **CHECKING**
ACCOUNT TOTAL: 60.00
GENERAL FUND ABERLE
SPENCER SOCCER OFFICIAL
155.00 ARECHIGO JAKE
CROSS COUNTRY OFFICIAL
125.00 BACHMEIER RACHEL
VOLLEYBALL LINE JUDGE
50.00 BAIN SUSANNE
MILEAGE REIMBURSEMENT
536.00 BECK BO CROSS
COUNTRY OFFICIAL 125.00
BOOKLIST BOOKLIST
SUBSCRIPTION 184.95 BRAUN
LINDSEY MS VOLLEYBALL
OFFICIAL 110.00 CARDA
TOBY REIMBURSEMENT
55.48 DAKOTA COUNTRY
MAGAZINE MAGAZINE
SUBSCRIPTION 25.00
DEGROOT BROCK MS
FOOTBALL OFFICIAL 190.00
DOHRER EMMA VOLLEYBALL
OFFICIAL 60.00 ENGLEKING
BRAYDEN SOCCER OFFICIAL
100.00 FLAKUS JAKE MS
FOOTBALL OFFICIAL 190.00
GRAND FORKS PUBLIC
SCHOOLS ENTRY FEE 300.00
HANSEN KENT FOOTBALL
OFFICIAL 90.00 HEGGE
SAMANTHA DEBATE JUDGE
75.00 HERMANSEN TARYN
VOLLEYBALL OFFICIAL 60.00
JONDAHL TANNER DONALD
FOOTBALL OFFICIAL 90.00
JOSTENS DIPLOMAS 40.15
KIEZS WYATT MS CHAIN
GANG 14.00 KUSLER MEGAN
VOLLEYBALL OFFICIAL
LINE 150.00 LEIDHOLT ERIN
VOLLEYBALL LINE JUDGE
50.00 LUTZ DOUG SOCCER
OFFICIAL 130.00 MENKEN
JORDAN VOLLEYBALL
OFFICIAL/LINE 150.00
MIDSTATES PRINTING
INC MEDALS 288.90 MORK
VALERIE VOLLEYBALL
CLOCK OPERATOR
60.00 NEER CASSIDY MS
VOLLEYBALL OFFICIAL
60.00 NORBERG BRENT
MS FOOTBALL OFFICIAL
100.00 NORTHEAST AREA
PRINCIPALS MEMBERSHIP
FEE 120.00 NORTHWESTERN
MUSIC FESTIVAL FESTIVAL
REGISTRATION 120.00 NSU
SCIENCE FAIR SCIENCE
FAIR REGISTRATION 150.00
NYGAARD CALVIN MS
VOLLEYBALL OFFICIAL
180.00 OPP MICHAEL W
SOCCER OFFICIAL 120.00
PEDERSON GANNON
MS CHAIN GANG 28.00
PEDERSON MS CHAIN
GANG 14.00 ROLLING HILLS
GOLF CLUB CLOTHING
591.09 ROOK KEVIN MS
FOOTBALL OFFICIAL 100.00
ROSE JOSH SOCCER
OFFICIAL 130.00 RYAN
KATELYN DEBATE JUDGE
75.00 SADLER KAREN MS
VOLLEYBALL OFFICIAL
60.00 SAHLI JEFFREY
FOOTBALL OFFICIAL
210.00 SANNES RYAN MS
FOOTBALL OFFICIAL 190.00
SCOLLAR BLAIR SOCCER
OFFICIAL 155.00 SEILER
DAWN AUG-SEPT 2025
MILEAGE 114.84 SOUNDRAR
ADRIANA DEBATE JUDGE
75.00 SWAG SHOPPE THE
CLOTHING 300.00 TENNANT
ARIC MS CHAIN GANG
28.00 THOMPSON AMY
MS VOLLEYBALL OFFICIAL
110.00 THOMPSON GREGG
VOLLEYBALL OFFICIAL 351.52
THOMPSON KENNADY MS
VOLLEYBALL OFFICIAL 60.00
VANOURAHOLLY VOLLEYBALL
OFFICIAL 100.00 WALKS
TABITHA MS VOLLEYBALL
OFFICIAL 60.00 WENBOURNE
KERRY VOLLEYBALL
OFFICIAL 180.00 WILLIAMS
CHARLOTTE DEBATE
JUDGE 75.00 WOLLMAN
BREANNA DEBATE JUDGE
75.00 YANKTON SCHOOL
DISTRICT REGISTRATION FEE
250.00 **FUND TOTAL: 7,466.93**
CAPITAL OUTLAY FUND
LIGHTHOUSE ELECTRIC

REPAIRS & MAINTENANCE
196.93 **FUND TOTAL: 196.93**
SPECIAL EDUCATION
FUND JONES MENDY
REIMBURSEMENT 208.40
TEPLYAM REIMBURSEMENT
18.88 **FUND TOTAL: 227.28**
FOOD SERVICE
MOORE CAROL LUNCH-BOX
KUF 58.05 **CHECKING**
ACCOUNT TOTAL: 7,949.19
GENERAL FUND PEDERSON
DAWSON MS CHAIN GANG
14.00 **FUND TOTAL: 14.00**
CHECKING ACCOUNT
TOTAL 14.00 GENERAL FUND
ABERLE SPENCER SOCCER
OFFICIAL 280.00 AGUIRRE
MADISON REGISTRATION
REIMBURSEMENT 50.00
ANDERSON MARK
REIMBURSEMENT 85.53
BACHMEIER RACHEL
VOLLEYBALL LINE JUDGE
50.00 BRAUN LINDSEY
VOLLEYBALL LINE JUDGE
50.00 BREIDENBACH
MADELINE VOLLEYBALL
OFFICIAL 120.00 BURCHFIELD
CHARLIE SOCCER OFFICIAL
120.00 DEGROOT BROCK
MS FOOTBALL OFFICIAL
190.00 DOHRER EMMA
VOLLEYBALL LINE JUDGE
50.00 DUFFY TERRY
VOLLEYBALL OFFICIAL
252.44 ENGLEKING BRAYDEN
SOCCER OFFICIAL 100.00
FLAKUS JAKE FOOTBALL
OFFICIAL 190.00 FUNK
KALI REIMBURSEMENT
150.00 FORD LINDA UNIFORM
ALLOWANCE 37.91 GUFFIN
DR BECKY REIMBURSEMENT
544.83 HANLEY KAELENN
DEBATE JUDGE 75.00
HANSEN KENT FOOTBALL
OFFICIAL 90.00 HELWIG
PARKER SOCCER OFFICIAL
428.00 HERMANSEN TARYN
VOLLEYBALL LINE JUDGE
50.00 HOWARD LUCAS
CHAIN GANG 266.00 HUBER
CASEY FOOTBALL OFFICIAL
150.00 JIMMY JOHNS FOOD
201.38 JONDAHL TANNER
DONALD FOOTBALL OFFICIAL
90.00 KUSLER MEGAN
VOLLEYBALL OFFICIAL
LINE 150.00 LEIDHOLT ERIN
VOLLEYBALL LINE
JUDGE 100.00 LORENZ
DAREN FOOTBALL OFFICIAL
150.00 MARCO INC COPIER
MAINTENANCE 112.26
MCQUILLEN CREATIVE
GROUP CHAIN GANG 28.00
MEDILL TEEGAN MS CHAIN GANG
28.00 MENKEN JORDAN
VOLLEYBALL LINE JUDGE
130.00 MOENCH JORDON
FOOTBALL OFFICIAL 150.00
NANG NANG DEBATE JUDGE
75.00 NORBERG BRENT
MS FOOTBALL OFFICIAL
100.00 NORTHEAST AREA
PRINCIPALS MEMBERSHIP
FEE 120.00 NORTHWESTERN
MUSIC FESTIVAL FESTIVAL
REGISTRATION 132.00
NYGAARD CALVIN
VOLLEYBALL OFFICIAL
LINE 150.00 PEDERSON
DAWSON MS CHAIN GANG
28.00 PITZ DUSTIN FOOTBALL
OFFICIAL 186.85 ROOK
KEVIN MS FOOTBALL
OFFICIAL 100.00 ROSE
JOSH SOCCER OFFICIAL
120.00 RYAN KATELYN
DEBATE JUDGE 75.00
SAHLI JEFFREY FOOTBALL
OFFICIAL 215.00 SANNES
RYAN MS FOOTBALL OFFICIAL
100.00 SCHAFFER RANDY
UNIFORM ALLOWANCE 152.04
SCHRIVER LISA VOLLEYBALL
OFFICIAL 120.00 SCOLLAR
BLAIR SOCCER OFFICIAL
155.00 SEILER DAWN
MILEAGE REIMBURSEMENT
194.30 SUNAHARA DONNA
VOLLEYBALL LINE 206.28
TREFZ NICOLE AUG-SEPT
2025 MILEAGE 74.37
UTTERMARK ROBERT
MILEAGE REIMBURSEMENT
139.36 WEISMANTEL MARTY
FOOTBALL OFFICIAL 117.51
WENBOURNE KERRY
VOLLEYBALL OFFICIAL
240.00 WOLLMAN BREANNA
DEBATE JUDGE 75.00 **FUND**
TOTAL: 7,495.06 CAPITAL
OUTLAY FUND MARCO INC
COPIER MAINTENANCE
193.55 **FUND TOTAL: 193.55**
SPECIAL EDUCATION
FUND NASH CRYSTAL
REIMBURSEMENT 25.13
FUND TOTAL: 25.13 FOOD
SERVICE FUND BARTON
NARISSALUNCH-BOX REFUND
134.95 LUEDTKE KALEY
UNIFORM ALLOWANCE
200.00 SWANSON NANCY
UNIFORM ALLOWANCE 95.57
TRADEMARK UNIFORMS
UNIFORM ALLOWANCE

57.98 **FUND TOTAL: 488.60**
CHECKING ACCOUNT
TOTAL: 3,202.24 CUSTODIAL
FUNDS ABERDEEN SCHOOL
DISTRICT REIMBURSEMENT
9,496.78 ASKE MERLE
SOCCER CAMP WORKER
400.00 BELL ERIE LUIE
ALEXANDER SOCCER CAMP
WORKER 475.00 BSN SPORTS
LLC ATHLETIC SUPPLIES
1,250.11 HANLEY KENDRA
SOCCER CAMP WORKER
709.00 KEN'S SUPERFAIR
FOODS CONCESSIONS
4,336.57 MENARDS OFFICE
SUPPLIES 117.60 MIDSTATES
PRINTING INC CLOTHING
763.30 **FUND TOTAL: 17,548.36**
CHECKING ACCOUNT
TOTAL: 17,548.36 CUSTODIAL
FUNDS APPL SUSAN
REIMBURSEMENT 112.94
BOSCH BACKS 360.00
MEAL 240.00 MIDSTATES
PRINTING INC CLOTHING
493.75 MURLEY GREGORY
REIMBURSEMENT 243.24
ROSTAD MELLEDY SIMMONS
SINGERS AUDITION
60.00 SWAG SHOPPE
THE CLOTHING 300.00
FUND TOTAL: 1,509.93
CHECKING ACCOUNT
TOTAL: 1,509.93 CUSTODIAL
FUNDS ABERDEEN AREA
HUMAN SOCIETY DONATION
1,061.45 ABERDEEN SCHOOL
DISTRICT REIMBURSEMENT
2,909.64 ALBRECHT CHELSEY
CAMP WORKER 175.00
BINDEAGEL JACQUELINE
CAMP WORKER 225.00 BSN
SPORTS LLC CLOTHING
1,527.04 COCA COLA
BOTTLING CO HIGH
COUNTRY CONCESSIONS
3,367.50 DALY STEPHANIE
CAMP WORKER 225.00
HETTINGER ROSS 2025
HOMECOMING ROYALTIES
250.00 KEN'S SUPERFAIR
FOODS CONCESSIONS
3,769.90 MURLEY COLLEEN
REIMBURSEMENT
42.68 NEER CASSIDY
REIMBURSEMENT 33.90
NICHOLSON KAYLA CAMP
WORKER 175.00 NORMAN
JESSICA REIMBURSEMENT
154.97 ROSTAD MELLEDY
REIMBURSEMENT 78.13
SIMMONS ELEMENTARY
P T A FUNDRAISER
REIMBURSEMENT 1,559.59
STOLP MAYAH CAMP WORKER
175.00 FUTER, JOE FOST
BUILDING, 523 E. Capitol
Avenue, Pierre SD, The Board
is authorized to 1) determine
that additional water is available
for appropriation, 2) determine
that no additional water is available
for appropriation, 3) defer action for further
study. The hearing 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-7.5, the Board has
legal authority and jurisdiction
to conduct this hearing. The
hearing may be listened to at
https://www.sd.net or, to
participate remotely, visit the
SD Boards and Commissions
Portal and search for Water
Management Board.
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.
Questions regarding the
hearing may be directed to
Amanda Dewell (Amanda.
Dewell@state.sd.us) or
Ron Duval (Ron.Duval@
state.sd.us), Water Rights
Program at (605) 773-3352.
Published once on October 23,
2025, at the total approximate
cost of \$239.20 and may be
viewed free of charge at www.
sdpublishnotices.com and
www.aberdeeninsider.com

**STATE OF SOUTH DAKOTA
COUNTY OF BROWN
IN CIRCUIT COURT
FIFTH JUDICIAL DISTRICT
CIV. 06CV25-615
IN THE MATTER OF THE
PETITION OF:
Amanda Marie Keefe (Current
Name)
FOR A CHANGE OF NAME
TO:
Amanda Marie Wilson
(Proposed Name)**

**NOTICE OF HEARING FOR
ADULT NAME CHANGE**
NOTICE IS HEREBY GIVEN
A Verified Petition for Adult
Name Change has been filed
by Amanda Marie Keefe the
object and prayer of which is
to change Petitioner's
name from Amanda Marie
Keefe to Amanda Marie
Wilson. On the 26th day
of November, 2025, at the
hour of 9:00 am said verified
petition will be heard by this
Court before the Honorable
Richard Somers Presiding,
at the Court Room in 3rd floor
County Courthouse, City of
Aberdeen, Brown County,
South Dakota, or as soon
thereafter as is convenient for
the court. Anyone may come
and appear at that time and
place and show reasons, if
any, why said name should
not be changed as requested.
Dated this 10 day of October,
2025, at Aberdeen, South
Dakota.

Published to run four weeks,
on October 23, October 30,
November 6, and November 13,
2025, at the total approximate
cost of \$49.10 and may be
viewed free of charge at
www.sdpublishnotices.com and
www.aberdeeninsider.com

DANR SD WATER RIGHTS
PROGRAM

**NOTICE OF HEARING
REGARDING FIVE-YEAR
REVIEW TO DETERMINE
THE AVAILABILITY OF
UNAPPROPRIATED WATER
IN THE TULARE: WESTERN
SPINK HITCHCOCK AQUIFER**

The Water Management
Board (Board) previously
determined that the average
annual withdrawal of water
from the Tulare: Western
Spink Hitchcock Aquifer
is equal to the average
estimated annual recharge
and deemed the aquifer fully
appropriated. A map showing
the approximate boundary of
the aquifer, this public notice,
and a report prepared for the
Board to review is available
online at https://danr.sd.gov/
OfficeOfWater/WaterRights/
aquifer/.

Pursuant to statute, the Board
held a hearing for the purpose
of accepting applications for
potential future appropriations
from the aquifer and creating
a priority list. That hearing
was held on May 7, 2015.
Twenty-eight applications were
prioritized by the Board and
were being held for possible
future action. One application
was withdrawn during a
five-year review in October
2020 leaving twenty-seven
held applications.

Pursuant to SDCL 46-2A-7.5,
the Board is required to hold
a public hearing reviewing
the groundwater source, all
permits appropriating water
from that source, and all held
applications at least once
every five years to determine
whether unappropriated water
has become available for use.
A five-year review is scheduled
for 9:45 AM (Central Time),
on Wednesday, December 3,
2025, at the Floyd Matthew
Training Center, Joe Foss
Building, 523 E. Capitol
Avenue, Pierre SD. The Board
is authorized to 1) determine
that additional water is available
for appropriation, 2) determine
that no additional water is available
for appropriation, 3) defer action for further
study. The hearing time is an estimate and may be
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https://www.sd.net or, to
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SD Boards and Commissions
Portal and search for Water
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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.
Questions regarding the
hearing may be directed to
Amanda Dewell (Amanda.
Dewell@state.sd.us) or
Ron Duval (Ron.Duval@
state.sd.us), Water Rights
Program at (605) 773-3352.
Published once on October 23,
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a priority list. That hearing
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Twenty-eight applications were
prioritized by the Board and
were being held for possible
future action. One application
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IN THE TULARE: EAST
JAMES AQUIFER

The Water Management
Board (Board) previously
determined that the average
annual withdrawal of water
from the Tulare: East James
Aquifer is equal to the average
estimated annual recharge
and deemed the aquifer fully
appropriated. A map showing
the approximate boundary of
the aquifer, this public notice,
and a report prepared for the
Board to review is available
online at https://danr.sd.gov/
OfficeOfWater/WaterRights/
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Pursuant to SDCL 46-2A-7.5,
the Board is required to hold
a public hearing reviewing
the groundwater source, all
permits appropriating water
from that source, and all held
applications at least once
every five years to determine
whether unappropriated water
has become available for use.
A five-year review is scheduled
for 9:45 AM (Central Time),
on Wednesday, December 3,
2025, at the Floyd Matthew
Training Center, Joe Foss
Building, 523 E. Capitol
Avenue, Pierre SD. The Board
is authorized to 1) determine
that additional water is available
for appropriation, 2) determine
that no additional water is available
for appropriation, 3) defer action for further
study. The hearing 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-7.5, the Board has
legal authority and jurisdiction
to conduct this hearing. The
hearing may be listened to at
https://www.sd.net or, to
participate remotely, visit the
SD Boards and Commissions
Portal and search for Water
Management Board.
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.
Questions regarding the
hearing may be directed to
Amanda Dewell (Amanda.
Dewell@state.sd.us) or
Ron Duval (Ron.Duval@
state.sd.us), Water Rights
Program at (605) 773-3352.
Published once on October 23,
2025, at the total approximate
cost of \$30.06 and may be
viewed free of charge at www.
sdpublishnotices.com and
www.aberdeeninsider.com

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See LEGALS on Page 5D

**AFFIDAVIT OF
PUBLICATION**
The Miller Press

STATE OF SOUTH DAKOTA)
JSS
County of Hand)

Michael G. Caviness of said county being first duly sworn, on oath, says that he is the publisher of *The Miller Press*, a weekly newspaper published in Miller, said County of Hand by Hand County Publishing Co., Inc. and has full and personal knowledge of all the facts herein stated; that said newspaper is a legal newspaper and has been published within said County for fifty weeks next prior to the publication of the notice, herein mentioned, and was and is printed wholly or in part in an office maintained at said place of publication; that the

December hearing to
determine water use
availability

a printed copy of which, taken from the paper in which the same was published, is attached to this sheet, and is made a part of this Affidavit, was published in said newspaper at least once each week for 1 successive week(s), on the day of each week on which said newspaper was regularly published, to wit:

11/1 2025; _____ 20____
_____ 20____; _____ 20____
_____ 20____; _____ 20____

that the full amount of the fees for the publication of the annexed notice is

\$ 31.19

Michael G. Caviness
Michael G. Caviness, Publisher

Subscribed and sworn to before me this 4th day of November 2025.

SuAnne R. Meyer
SuAnne R. Meyer
expires 3/2028

December hearing to determine water use availability

Notice of Hearing Regarding Five-Year Review to Determine the Availability of Unappropriated Water in the Tularé: Western Spink Hitchcock Aquifer

The Water Management Board (Board) previously determined that the average annual withdrawal of water from the Tularé: Western Spink Hitchcock Aquifer is equal to the average estimated annual recharge and deemed the aquifer fully appropriated. A map showing the approximate boundary of the aquifer; this public notice; and a report prepared for the Board to review is available online at <https://danr.sd.gov/OfficeOf-Water/WaterRights/aquifer/>.

Pursuant to statute, the Board held a hearing for the purpose of accepting applications for potential future

appropriations from the aquifer and creating a priority list. That hearing was held on May 7, 2015. Twenty-eight applications were prioritized by the Board and were being held for possible future action. One application was withdrawn during a five-year review in October 2020 leaving twenty-seven held applications.

Pursuant to SDCL 46-2A-7.5, the Board is required to hold a public hearing reviewing the groundwater source, all permits appropriating water from that source, and all held applications at least once every five years to determine whether unappropriated water has become available for use. A five-year review is scheduled for 9:45 AM (Central Time), on Wednesday, December 3, 2025, at the Floyd Matthew Training Center, Joe

Foss Building, 523 E. Capitol Avenue, Pierre SD. The Board is authorized to 1) determine that additional water is available for appropriation, 2) determine that no additional water is available for appropriation, or 3) defer action for further study. The hearing 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-7.5, the Board has legal authority and jurisdiction to conduct this hearing. The hearing may be listened to at <https://www.sd.net> or, to participate remotely, visit the SD Boards and Commissions Portal and search for Water Management Board.

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.

Questions regarding the hearing may be directed to Amanda Dewell (Amanda.Dewell@state.sd.us) or Ron Duvall (Ron.Duvall@state.sd.us). Water Rights Program at (605) 773-3352.

Published November 1, 2025, at a total approximate cost of \$31.19 and may be viewed free of charge at www.sdpublicnotices.com



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Program

**Second Report on the Five-Year Review of Water Availability in the East James
Management Unit of the Tulare Aquifer**
Scheduled before the Water Management Board December 2025

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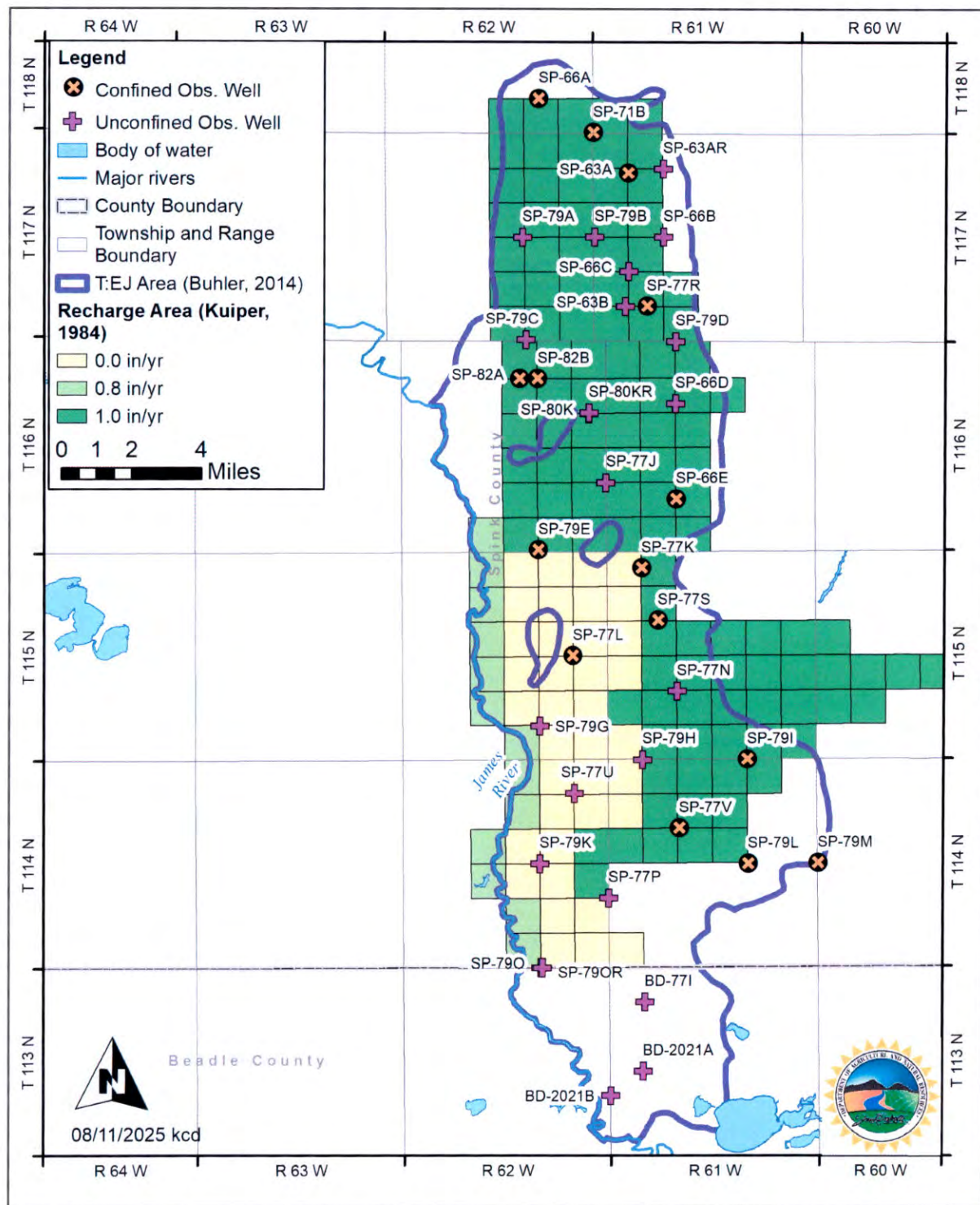


Figure 1: Map of the Tulare: East James aquifer management unit [1], Water Rights observation wells [2], and modeled recharge area from the Kuiper [3] study.

Introduction

In 2013, the South Dakota Water Management Board determined that the East James management unit of the Tulare aquifer was fully appropriated. Subsequently, the South Dakota Legislature provided a process for management of fully appropriated aquifers by enacting South Dakota Codified Law (SDCL) 46-2A-7 through 46-2A-7.7. The Water Management Board met in 2015 to satisfy the requirements provided by that legislation, using technical analysis by Ken Buhler. In 2020, the first 5-year review, as required by the legislation, went before the Water Management Board, using technical analysis by John Farmer. The Board concluded that based on the information available, there was not unappropriated water available for any of the 14 water right permit applications on hold at that time. This report serves as the technical review of the groundwater source, all permits appropriating water from that source, and all held applications from that source as required pursuant to SDCL 46-2A-7.5 for the second 5-year review. There are 14 water right permit applications on hold in the East James management unit as of July 2025.

East James management unit of the Tulare Aquifer (T:EJ) Hydrogeologic Characteristics

The Tulare aquifer is a Quaternary-aged system of sand and gravel layers that were deposited as outwash by meltwater from receding glaciers. The East James management unit is a buried outwash generally lying immediately above the bedrock (a.k.a. basal) east of the James River in Spink and Beadle Counties. Several evaluations of the aquifer extent have been done, with the latest estimate in aerial extent being by Water Rights Staff Engineer Ken Buhler in 2012 [1]. Buhler [1] estimated the area of the aquifer was 123,578 acres. Multiplying the aerial extent by an estimated average saturated thickness of 37 feet [4] and an estimated porosity of 0.15 [5], the estimated storage in the East James management unit is approximately 608,000 acre-feet. Buhler [1] estimated there were 22,477 acres of unconfined area in the aquifer in September of 2011.

Applicable SDCL for Five-Year Reviews of Fully Appropriated Aquifers

Pursuant to SDCL 46-2A-7.5, the Board shall hold a public hearing to review the groundwater source, all permits appropriating water from that source, and all held applications once every five years to determine the availability of unappropriated water. The first five-year review was conducted in 2020, so it is appropriate for another five-year review to be conducted in 2025.

Pursuant to SDCL 46-2A-7.6, if the Board determines that unappropriated water has become available from a fully appropriated aquifer during the five-year review, the Board shall make the unappropriated water available to the applications being held by the Chief Engineer based on priority established in SDCL 46-2A-7.2 and 46-2A-7.4. The Chief Engineer shall process held applications pursuant to SDCL 46-2A until such time as the Board determines the groundwater source again to be fully appropriated. Any remaining applications shall continue to be held by the Chief Engineer for future five-year reviews by the board.

Pursuant to SDCL 46-6-3.1, 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 the water to the groundwater source. An exception allows water distribution systems to withdraw from groundwater sources older or stratigraphically lower than the

Greenhorn Formation regardless of the results of a hydrologic budget. None of the held applications are a water distribution system as defined in SDCL 46-1-6(17) and the Tulare: East James aquifer is younger and stratigraphically higher than the Greenhorn Formation. Therefore, the Water Management Board must find that recharge to the aquifer exceeds withdrawals to approve any new applications.

Hydrologic Budget

Recharge

Recharge to the Tulare: East James aquifer occurs primarily through infiltration of precipitation where the aquifer is at or near the surface [4], although some recharge may occur from bedrock aquifers that are in contact with the Tulare: East James aquifer and from infiltration of bodies of surface water, if the stage of the surface water is higher than the water table of the aquifer.

Recharge to the Tulare aquifer in Spink and Beadle Counties east of the James River was published by Kuiper in 1984 with a numerical flow model. The Tulare: East James aquifer most corresponds with Model Area B in the Kuiper [3] model. Kuiper [3] used one-mile square cells in a single layer to compare 1968 to 1978 observation well data to 1978 irrigation data. The Kuiper [3] model produced an estimated average annual recharge of 0.76 inches per year.

Hedges, Allen, and Holly [6] used observation well data to determine that the recharge rate to the unconfined portions of the Tulare: East James aquifer is 2.5 inches per year. A regional flow-net analysis of the Tulare: East James aquifer was also performed by Hedges, Allen, and Holly [6] and found the estimated recharge rate was 0.72 inches per year. However, the unconfined and confined portions of the Tulare: East James aquifer were not mapped or otherwise indicated with the Hedges, Allen, and Holly [6] report.

In previous Water Management Board decisions, the Water Management Board has relied upon the 0.76 inches per year of recharge calculated from Kuiper's [3] results. When this recharge was applied over the entire area of the Tulare: East James aquifer at the time, the estimated average annual recharge was approximately 7,950 ac-ft/yr [7]. Given the numerous re-delineations and differences between currently understood aquifer boundaries and the boundaries used in the Kuiper [3] model, the best estimate of recharge which was accepted by the Water Management Board during the first five-year review was 6,800 ac-ft/yr [8], which is the estimated recharge from the Kuiper [3] model without applying the average recharge rate over the re-delineated area. As Farmer [8] indicated in the previous five-year review, the true value of the average annual recharge to the aquifer is likely to be higher than the amount estimated by Kuiper [3], but that value is the best information available.

Discharge

Discharge from the Tulare: East James aquifer occurs through evapotranspiration when the water table is near land surface, flow to surface water bodies when the hydraulic head in the aquifer is higher than the stage of the hydrologically connected surface water, and by domestic and appropriative withdrawals [3] [9] [10].

Domestic self-supply

There are 65 domestic wells on file with the Water Rights Program that are likely to be completed into the Tulare: East James aquifer [10]. Buhler [1] estimated domestic self-supply use based on the average rural use for the rural water systems in the area, a rate of 7,000 gallons per tap per month. Using that same rate of the 65 wells equates to an estimated average annual withdrawal of 17 ac-ft for all domestic self-supply in the aquifer.

Irrigation

There are 96 water rights and permits withdrawing from the Tulare: East James aquifer, which are all for irrigation use, authorized to irrigate a combined total of 16,735 acres. Irrigation reported over the period of record from 1979 through 2024 is shown in Figure 2 [11] [12]. Figure 3 shows the average reported irrigation in inches per irrigated acre and the percentage of irrigated acres per authorized acre over the period of record of 1979 and 1983 through 2024 [12]. Data from 1980 through 1982 was not available. Figure 3 shows that while irrigation water rights in the aquifer have tended to apply fewer inches per acre over time, they are utilizing a higher percentage of their authorized acreage. This may be due to changes in efficiency in irrigation equipment and other factors. Farmer [8] estimated average annual irrigation withdrawal by finding the average reported irrigation per reported acre and multiplying that value and the average rate of utilization (acres irrigated vs acres authorized to irrigate) across all permitted acres.

The average annual application rate in the first five-year review over the period of record of 1979 and 1983 through 2019 was 7.62 inches per irrigated acre. By applying that over the average utilization rate of 78.4% of the authorized acres, Farmer [8] estimated the average annual withdrawal was 8,301 ac-ft/yr. The average application rate over the period of record of 1979 and 1983 through 2024 is 7.58 inches [12]. The average utilization rate from the last five years of record is 81% [12]. Multiplying those numbers by the 16,735 acres authorized [9], the estimated withdrawal following the method Farmer [8] used in the first five-year review is 8,562 ac-ft/yr. All but two of the permits have been inspected and licensed [9]. However, the two permits that are not licensed are 1876A-3, which moves the 272 acres from Water Right No. 1876-3, and 3748A-3, which moves 102 acres and changes the diversion location from Water Right No. 3748-3. Both licenses have fully developed [12], and therefore for the two new permits, no change from previous irrigation patterns is anticipated.

The average reported irrigation can be calculated several other ways, although as Farmer [8] noted in the first five-year review, an average over the entire period of record may bias the average in favor of past irrigation practices and times when there was less development in the aquifer. The irrigation questionnaire summaries add all irrigation rights/permits which reported from the aquifer that year, including permits which are now cancelled, incorporated, or amended [11]. Another way to estimate the average annual withdrawal is to add the average reported withdrawal of each permit authorized to withdraw in the aquifer [12]. This method can still bias the data in favor of past irrigation methods, depending on the period of record chosen, but it removes the influence of multiple years of less development from the estimate. Table 1 shows the average reported irrigation from the two different methods for the period of record of 1979

through 2024 (all data available) and 2015 through 2024 (the last ten years of reports). Further detail of how these numbers were calculated can be seen in Appendix A (p. 13). Of the four values shown in Table 1, the one that is most likely to be the most representative of the average annual irrigation withdrawal from the Tulare: East James aquifer under current irrigation practices is 8,165 ac-ft/yr.

Table 1: Summary of average estimated irrigation withdrawals [11] [12]

Source	Interval	Average (ac-ft/yr)
Irrigation Questionnaire Summaries (Table 2)	1979 - 2024	7,236
	2015 - 2024	8,062
Average by Permit (Table 4, Table 5)	1979 - 2024	8,376
	2015 - 2024	8,165

Summary of Hydrologic Budget

The estimated average annual recharge to the Tulare: East James aquifer is 6,800 ac-ft/yr. However, this estimate is likely to be lower than the true value. The estimated average annual withdrawal in the aquifer from domestic self-supply is 17 ac-ft/yr. The true value of this figure could vary widely from the estimate, but it is a small fraction of the total hydrologic budget. The estimated average annual withdrawal from appropriative water rights (all authorized for irrigation use) is 8,165 ac-ft/yr. Therefore, based on the hydrologic budget, there is not unappropriated water available in the Tulare: East James aquifer.

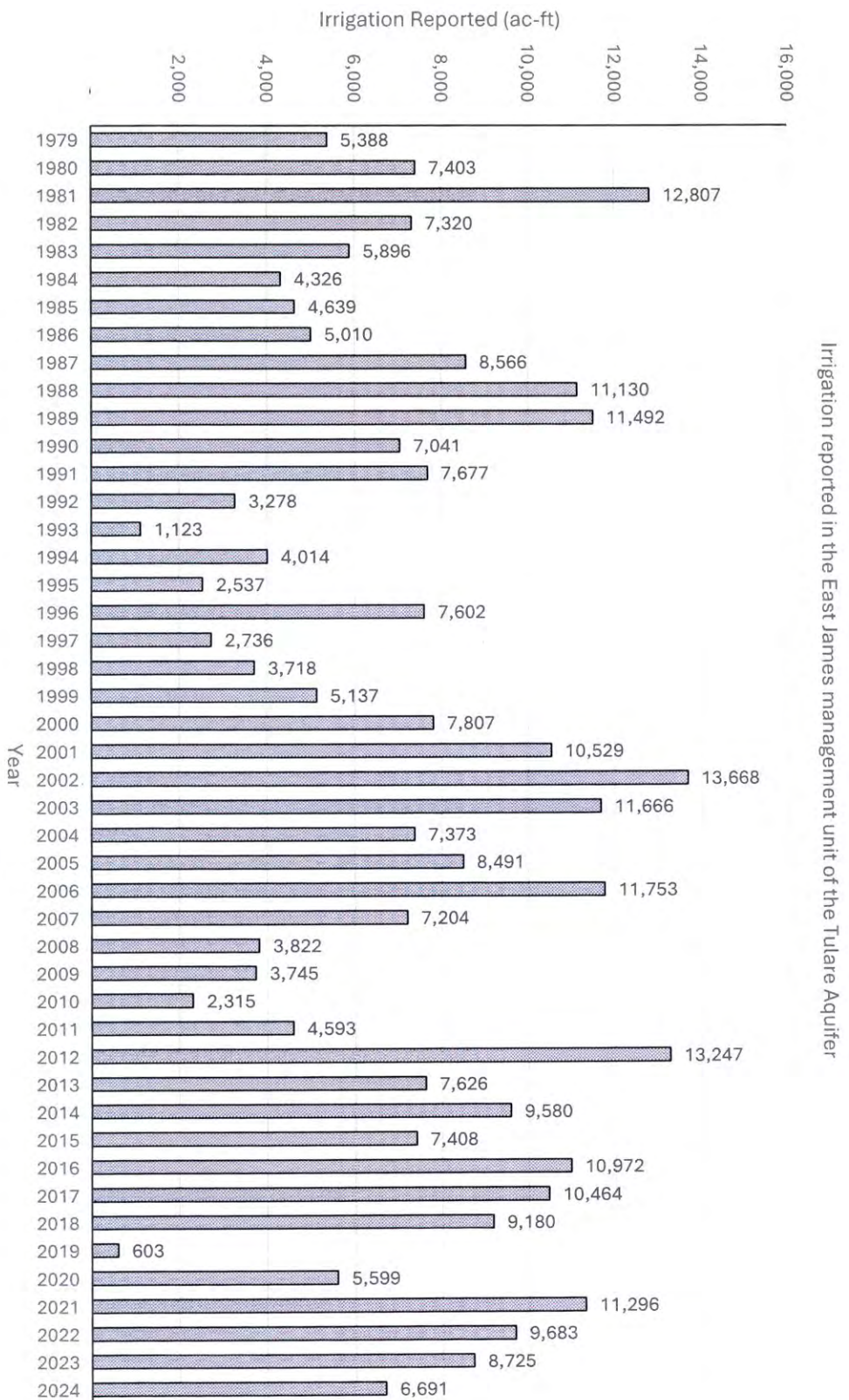


Figure 2: Irrigation Reported in the East James management unit of the Tulare aquifer [11] [12]

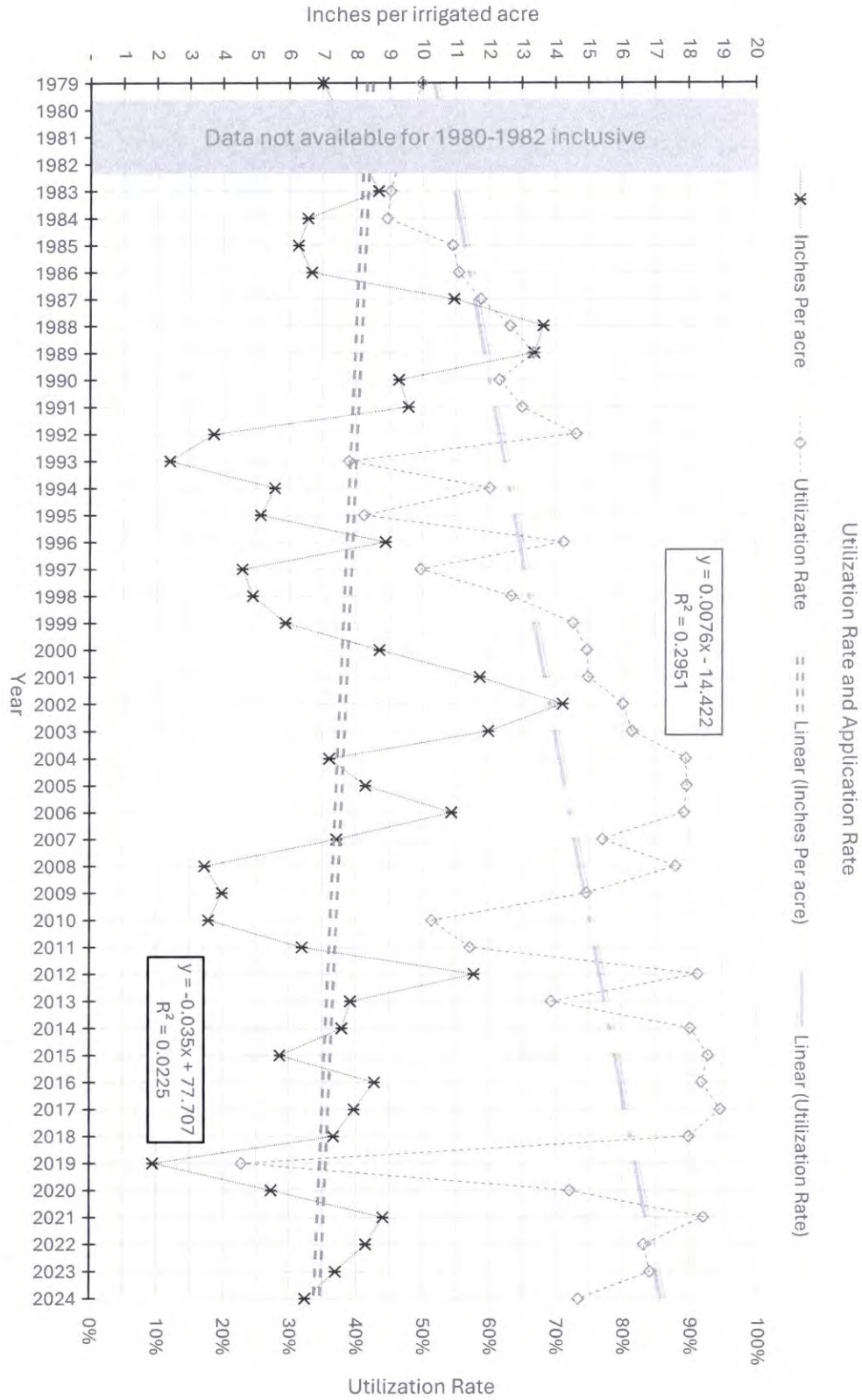


Figure 3: Trends in irrigation water application rate and authorized acreage utilization rate in the Tulare: East James aquifer [12]

Observation Wells

Administrative Rule of South Dakota (ARSD) 74:02:05:07 requires the Water Management Board to consider the record of observation wells to determine that recharge exceeds withdrawals from an aquifer. The Water Rights Program maintains 38 observation wells completed into the Tulare: East James aquifer, although three observation wells, SP-63AR, SP-79OR, and SP-80KR, are intended to be replacements for older wells of the same name, but without the final R, pending analysis that they are adequate replacements, so there are effectively 35 unique observation wells completed into the Tulare: East James aquifer. For analysis of the observation wells in this aquifer, the wells were divided into eight groups based on location. Figure 5 (p. 21) shows a map of the eight groups. Figure 6 through Figure 13 (pp. 22-29) show the hydrographs of the observation wells in each group and the elevations of the tops of the aquifer formation [2].

In general, water levels in the aquifer rise during periods of higher-than-average precipitation and decline during periods of lower-than-average precipitation. On average, precipitation in S.D. Climate Division 7 (Figure 14, p. 30) has been increasing over time. In a study done by Hullinger [13], flows in the James River have been increasing over the period of record available back to 1946. If the use in the aquifer remains the same and precipitation and stream flow are increasing, then the water storage in the aquifer should be increasing provided the aquifer is not already at capacity. Indeed, as the period of record of observation wells in the Tulare: East James aquifer continues, a larger percentage of the observation well water levels are above the top of the aquifer. However, the amount of recharge cannot be directly measured from observation well water-level increases in observation wells under confined conditions (i.e. water levels are above the top of the aquifer). Water level fluctuations above the top of the aquifer indicate a change in water pressure in the aquifer, not a change in storage. Higher water pressure in the aquifer will cause the water stored in the aquifer to naturally discharge to other aquifers or surface water features which are in contact with the aquifer. Therefore, recharge to the aquifer is more than withdrawals. Based on observation well analysis, there may be unappropriated water available in the Tulare: East James aquifer, but the amount cannot be known without comprehensive modeling of flows into and out of the aquifer.

Conclusions

1. The estimated average annual recharge to the Tulare: East James aquifer is 6,800 acre-feet per year, based on a model run in 1984.
2. The estimated average annual withdrawal from the Tulare: East James aquifer is 8,182 acre-feet per year.
3. Based on the hydrologic budget, there is not unappropriated water available in the Tulare: East James aquifer.
4. Based on observation well analysis, there may be unappropriated water available in the Tulare: East James aquifer, but the amount cannot be quantified with available information.
5. The creation and maintenance of a new model of the Tulare: East James aquifer to estimate the amount of unappropriated water available is highly recommended.



Kimberly C. Drennon, E.I.
Natural Resources Engineer III – DANR Water Rights Program

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Glossary

Average (Avg.): a measure of central tendency. In this report, the average is the sum of all values in a set divided by the number of values in that set. Also known as arithmetic average or mean.

Coefficient of Determination (R^2). A measure by which one can assess if a trend line correlates well to the data. As the coefficient of determination approaches 100%, the trend line predicts 100% of the variance in the data set. If the coefficient of determination is 0%, the trend line shows no correlation to variance in data. It is the square of the Pearson correlation coefficient.

Confined. A state of an aquifer or part of an aquifer where water levels in observation wells rise above the top of the aquifer formation. Also known as “artesian” in South Dakota water law.

Minimum (Min.): The smallest value in a set of data.

Maximum (Max.): The largest value in a set of data.

Median: When a set of data is sorted from smallest to largest, the median is the value which falls in the middle.

Standard deviation (St. Dev.): A measure of how much values in a set vary from average. One standard deviation is the amount where, if added or subtracted from the average, approximately 68.2% of the data would fall within that range (Figure 4).

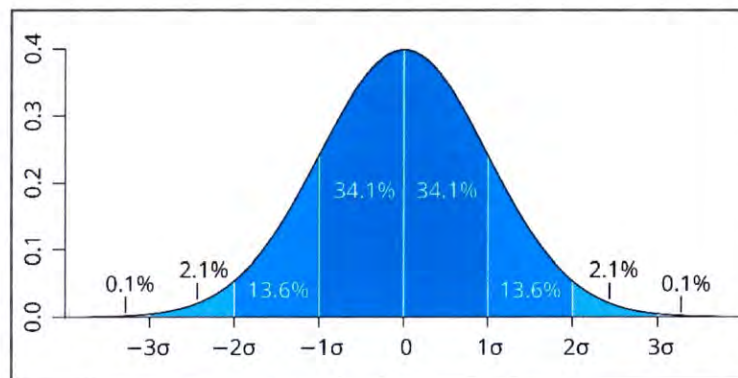


Figure 4: A diagram of a normal distribution and the standard deviations (σ) within it [14].

Unconfined. A state of an aquifer or part of an aquifer where water levels in observation wells are below the top of the aquifer formation. Also known as “water table” in South Dakota water law.

Year:

- **Calendar Year:** January 1 through December 31.
- **Water Year:** October 1 through September 30. The number of a water year corresponds to the larger proportion of the Calendar Year in which the Water Year falls. For example, Water Year 2025 is October 1, 2024 through September 30, 2025. The designation of water year versus calendar year is an attempt to keep climatically related phenomena within the same year designation.

Appendix A: Supplementary Tables

Table 2: Irrigation Reported from 1979 through 2024

Year	No. Licenses	No. Permits	All License/ Permits	Authorized Acres	Reported Irrigation (ac-ft/yr)	Acres Irrigated	Avg. App. Rate for Irr. Acres (in/yr)	Utilization Rate (Irr. Acres/Auth. Acres)
1979	36	53	89	18,530	5,388	9,231	7.00	50%
1980	44	47	91	18,437	7,403	N/A	N/A	N/A
1981	48	46	94	18,553	12,807	N/A	N/A	N/A
1982	47	52	99	19,421	7,320	N/A	N/A	N/A
1983	64	31	95	18,015	5,896	8,149	8.68	45%
1984	65	26	91	17,712	4,326	7,913	6.56	45%
1985	69	17	86	16,246	4,639	8,863	6.28	55%
1986	70	16	86	16,213	5,010	8,993	6.68	55%
1987	70	14	84	15,973	8,566	9,385	10.95	59%
1988	70	11	81	15,493	11,130	9,794	13.64	63%
1989	71	10	81	15,469	11,492	10,318	13.37	67%
1990	73	5	78	14,759	7,041	9,094	9.29	62%
1991	73	6	79	14,787	7,677	9,613	9.58	65%
1992	71	7	78	14,403	3,278	10,541	3.73	73%
1993	71	7	78	14,403	1,123	5,614	2.40	39%
1994	72	5	77	14,375	4,014	8,647	5.57	60%
1995	72	5	77	14,375	2,537	5,928	5.14	41%
1996	72	5	77	14,375	7,602	10,252	8.90	71%
1997	72	5	77	14,375	2,736	7,150	4.59	50%
1998	72	5	77	14,375	3,718	9,111	4.90	63%
1999	72	5	77	14,375	5,137	10,455	5.90	73%
2000	73	4	77	14,369	7,807	10,746	8.72	75%
2001	72	5	77	14,369	10,529	10,772	11.73	75%
2002	72	5	77	14,369	13,668	11,529	14.23	80%
2003	72	3	75	14,313	11,666	11,679	11.99	82%
2004	68	7	75	13,688	7,373	12,259	7.22	90%
2005	67	8	75	13,685	8,491	12,273	8.30	90%
2006	67	13	80	14,523	11,753	12,965	10.88	89%
2007	66	17	83	15,099	7,204	11,648	7.42	77%
2008	66	17	83	15,099	3,822	13,291	3.45	88%
2009	66	16	82	15,099	3,745	11,281	3.98	75%
2010	65	17	82	15,099	2,315	7,765	3.58	51%
2011	64	18	82	15,071	4,593	8,619	6.39	57%
2012	64	18	82	15,071	13,247	13,763	11.55	91%
2013	62	30	92	16,812	7,626	11,666	7.84	69%
2014	62	31	93	16,812	9,580	15,160	7.58	90%
2015	70	20	90	16,727	7,408	15,532	5.72	93%
2016	73	17	90	16,727	10,972	15,363	8.57	92%
2017	78	13	91	16,699	10,464	15,792	7.95	95%
2018	78	13	91	16,699	9,180	15,017	7.34	90%
2019	78	12	90	16,674	603	3,809	1.90	23%
2020	85	10	95	17,065	5,599	12,310	5.46	72%

Year	No. Licenses	No. Permits	All License/Permits	Authorized Acres	Reported Irrigation (ac-ft/yr)	Acres Irrigated	Avg. App. Rate for Irr. Acres (in/yr)	Utilization Rate (Irr. Acres/Auth. Acres)
2021	84	10	94	16,691	11,296	15,370	8.82	92%
2022	84	11	95	16,823	9,683	13,995	8.30	83%
2023	84	11	95	16,823	8,725	14,157	7.40	84%
2024	94	1	95	16,872	6,691	12,385	6.48	73%
1979 through 2024:								
Min.	36	1	75	13,685	603	3,809	1.90	23%
Max.	94	53	99	19,421	13,668	15,792	14.23	95%
Avg.	69	15	85	15,781	7,236	10,888	7.58	70%
2015 through 2024:								
Min.	70	1	90	16,674	603	3,809	1.90	23%
Max.	94	20	95	17,065	11,296	15,792	8.82	95%
Avg.	81	12	93	16,780	8,062	13,373	6.79	80%

Table 3: Summary of irrigation reported statistics per permit

1979-2024 (Table 3)		2015-2024 (Table 4)	
Trend Assessment	Number of Permits	Trend Assessment	Number of Permits
↑↑	3	↑↑	4
↑	3	↑	8
≈	84	≈	73
↓	2	↓	7
↓↓	3	↓↓	2
↑↑ - significant increase; ↑ - moderate increase; ≈ - no significant trend; ↓ - Moderate decrease; ↓↓ - significant decrease			

Calculation methods for Table 4 and Table 5. Calculations done using Microsoft Excel for Microsoft Office 365 (Version 2408 Build 16.0.17928.20572) 64-bit.

1. Average: sum of all reports divided by number of reports.
2. Standard Deviation: STDEV.P([REPORTS]) or STDEV.S([REPORTS]) depending on context.
3. Coefficient of Determination: PEARSON([REPORTS], [RANGE OF YEARS])^2
4. Trend (ac-ft/yr): FORECAST.LINEAR(2025, [REPORTS], [RANGE OF YEARS])-FORECAST.LINEAR(2024, [REPORTS], [RANGE OF YEARS])
5. Trend (% Avg.): Trend (ac-ft/yr) divided by Average.
6. Trend (in/yr): Trend (ac-ft/yr) divided by Licensed Acres.
7. Trend Assessment:
 - Significant – Trend (in/yr) minus Average of Trends (in/yr) exceeds two standard deviations.
 - Moderate – Trend (in/yr) minus Average of Trends (in/yr) is between one and two standard deviations.

No significant trend – Trend (in/yr) minus Average of Trends (in/yr) is less than one standard deviation.

Increase – Values tend to rise from year to year.

Decrease – Values tend to decline from year to year.

8. Rows starting with **Total** and below are calculated based on the above column, except **Total Trend (in/yr)**, which is calculated using the same method as the rows for that column using the Total of Trend (ac-ft/yr) and Total Licensed Acres.

Table 4: Irrigation reported statistics per permit (1979-2024)

Permit No.	Acres	No. Reports	Average (ac-ft/yr)	St. Dev. (ac-ft/yr)	R ²	Trend (ac-ft/yr)	Trend (% Avg.)	Trend (in/yr)	Trend Assessment
1033A-3	130	33	80	69	2%	1.0	1.29%	0.10	≈
1048-3	160	43	82	73	0%	0.3	0.31%	0.02	≈
1050-3	430	43	225	211	24%	8.3	3.69%	0.23	≈
1071-3	160	43	93	112	0%	-0.6	-0.65%	-0.05	≈
1072-3	160	43	97	130	3%	-1.9	-1.99%	-0.15	≈
1073-3	312	43	137	111	0%	-0.3	-0.19%	-0.01	≈
1120-3	240	43	130	128	13%	3.6	2.80%	0.18	≈
1201A-3	122	12	59	35	10%	3.2	5.38%	0.31	≈
1223-3	131	43	76	66	12%	1.8	2.42%	0.17	≈
1247-3	160	43	86	51	0%	0.1	0.08%	0.01	≈
1312-3	160	43	72	55	3%	0.8	1.09%	0.06	≈
1358B-3	135	6	66	34	32%	11.3	17.08%	1.00	↑↑
1458-3	160	43	68	59	2%	0.7	1.04%	0.05	≈
1504A-3	136	21	33	37	0%	-0.4	-1.14%	-0.03	≈
1504B-3	136	21	58	62	23%	-4.8	-8.33%	-0.43	↓
1700-3	135	43	58	54	0%	0.3	0.50%	0.03	≈
1722A-3	160	8	35	49	25%	-10.8	-31.32%	-0.81	↓↓
1722B-3	80	8	17	17	1%	-0.6	-3.71%	-0.09	≈
1723-3	136	43	56	59	2%	-0.6	-1.13%	-0.06	≈
1724A-3	128	12	92	50	20%	-6.4	-6.98%	-0.60	↓
1876-3	272	43	127	121	1%	1.1	0.87%	0.05	≈
1891-3	262	43	143	120	11%	3.2	2.23%	0.15	≈
1894-3	200	43	53	42	4%	-0.6	-1.20%	-0.04	≈
2208A-3	264	14	105	83	37%	12.6	11.97%	0.57	↑
2235A-3	539	40	265	128	7%	-2.9	-1.08%	-0.06	≈
2236-3	128	43	50	22	1%	0.1	0.29%	0.01	≈
2276-3A	200	42	134	79	11%	-2.1	-1.59%	-0.13	≈
2367-3	124	43	99	75	0%	-0.1	-0.15%	-0.01	≈
2375-3	272	43	135	81	2%	-0.9	-0.67%	-0.04	≈
2418-3	136	43	81	49	4%	0.8	0.98%	0.07	≈
2514-3	132	43	47	46	10%	-1.1	-2.41%	-0.10	≈
2553-3	237	43	155	93	15%	-2.9	-1.87%	-0.15	≈
2561-3	153	43	88	59	37%	-2.8	-3.25%	-0.22	≈
2613-3	130	43	106	155	2%	-1.8	-1.70%	-0.17	≈
2618-3	272	43	107	96	0%	-0.1	-0.10%	0.00	≈

Permit No.	Acres	No. Reports	Average (ac-ft/yr)	St. Dev. (ac-ft/yr)	R ²	Trend (ac-ft/yr)	Trend (% Avg.)	Trend (in/yr)	Trend Assessment
3035-3	265	43	68	65	51%	3.7	5.46%	0.17	≈
3056-3	202	43	83	56	17%	-1.9	-2.25%	-0.11	≈
3062-3	140	43	109	103	23%	-3.9	-3.59%	-0.33	≈
3063-3	272	43	93	79	12%	-2.2	-2.34%	-0.10	≈
3114-3	137	43	100	63	20%	2.3	2.25%	0.20	≈
3173-3	136	43	80	71	3%	1.0	1.31%	0.09	≈
3176-3	272	43	99	63	1%	-0.5	-0.49%	-0.02	≈
3178A-3	132	40	152	105	13%	-3.3	-2.20%	-0.30	≈
3178B-3	132	3	60	8	0%	-0.6	-1.07%	-0.06	≈
3179-3	264	43	135	108	2%	-1.2	-0.91%	-0.06	≈
3181-3	232	43	64	37	1%	0.3	0.50%	0.02	≈
3182-3	139	43	45	33	30%	-1.5	-3.26%	-0.13	≈
3189-3	132	43	43	50	11%	-1.3	-3.00%	-0.12	≈
3268-3	140	24	65	65	2%	1.1	1.69%	0.09	≈
3268A-3	110	6	36	20	72%	2.6	7.13%	0.28	≈
3272-3	136	43	113	71	10%	-1.8	-1.60%	-0.16	≈
3378-3	136	43	92	60	4%	-0.9	-0.99%	-0.08	≈
3390-3A	132	42	52	63	0%	-0.3	-0.66%	-0.03	≈
3468-3	272	43	141	72	1%	-0.5	-0.38%	-0.02	≈
3748-3	102	43	60	62	1%	-0.5	-0.86%	-0.06	≈
4158-3	136	43	115	57	15%	1.8	1.54%	0.16	≈
4195A-3	272	18	115	71	6%	3.3	2.84%	0.14	≈
4196-3	190	43	70	62	2%	0.7	1.03%	0.05	≈
4203-3	136	43	74	57	0%	0.0	-0.04%	0.00	≈
4374-3	264	43	56	60	5%	-1.1	-1.96%	-0.05	≈
4375-3	132	43	6	15	22%	-0.6	-9.91%	-0.05	≈
4390-3	128	43	78	64	3%	0.8	1.07%	0.08	≈
4486-3	132	42	74	55	35%	-2.7	-3.63%	-0.24	≈
4586C-3	264	11	259	92	7%	7.5	2.88%	0.34	≈
4612A-3	132	22	70	52	26%	-4.2	-5.96%	-0.38	≈
4714-3	127	42	19	31	0%	0.2	0.87%	0.02	≈
4845-3	136	42	79	48	1%	-0.3	-0.38%	-0.03	≈
5280-3	264	36	113	98	4%	1.9	1.67%	0.09	≈
5529-3	160	34	89	61	1%	0.5	0.52%	0.03	≈
6242A-3	138	23	66	30	2%	-0.7	-1.09%	-0.06	≈
6341-3	262	22	128	76	1%	1.3	0.98%	0.06	≈
6655-3	132	19	72	50	6%	-2.2	-3.03%	-0.20	≈
6656-3	270	19	97	95	10%	-5.4	-5.62%	-0.24	≈
6675-3	100	19	113	38	4%	1.4	1.27%	0.17	≈
6676-3	264	19	251	142	46%	17.6	7.02%	0.80	↑↑
6711A-3	270	18	106	80	1%	-1.5	-1.44%	-0.07	≈
6712A-3	135	16	91	58	5%	-2.8	-3.08%	-0.25	≈
7235A-3	136	12	61	53	7%	-4.1	-6.62%	-0.36	≈
7295-3	120	12	155	58	0%	0.8	0.54%	0.08	≈
7316-3	272	12	206	201	3%	9.6	4.65%	0.42	↑
7348A-3	66	8	52	68	7%	7.9	15.21%	1.44	↑↑

Permit No.	Acres	No. Reports	Average (ac-ft/yr)	St. Dev. (ac-ft/yr)	R ²	Trend (ac-ft/yr)	Trend (% Avg.)	Trend (in/yr)	Trend Assessment
7348B-3	135	5	36	50	2%	5.3	14.69%	0.47	↑
7348C-3	104	5	69	69	6%	-12.4	-17.86%	-1.43	↓↓
7348D-3	135	5	89	102	10%	-22.3	-25.00%	-1.98	↓↓
7364-3	135	12	62	32	13%	3.4	5.44%	0.30	≈
7365-3	132	12	3	6	31%	-1.0	-29.72%	-0.09	≈
7366-3	132	12	3	5	36%	-0.9	-27.66%	-0.09	≈
7367-3	132	12	13	20	12%	-2.0	-15.32%	-0.18	≈
7369A-3	154	10	57	29	5%	2.2	3.79%	0.17	≈
7369B-3	132	10	37	28	3%	1.7	4.45%	0.15	≈
7369C-3	130	10	28	28	0%	0.2	0.79%	0.02	≈
7370-3	132	12	6	8	31%	-1.2	-21.24%	-0.11	≈
961-3	320	43	144	136	14%	4.1	2.84%	0.15	≈
970-3	132	43	118	71	17%	2.4	2.01%	0.22	≈
987-3	154	43	87	86	29%	3.7	4.28%	0.29	≈
Total	16,872	2,947	8,376	6,412	--	10.5	--	0.00	≈
Average	178	31	88	67	11%	0.1	-1.28%	-0.01	--
St. Dev.	76		51	38	13%	4.7	7.86%	0.38	--
Min.	66	3	3	5	0%	-22.3	-31.32%	-1.98	--
Max.	539	43	265	211	72%	17.6	17.08%	1.44	--
Median	136	43	80	62	5%	-0.3	-0.19%	-0.01	--

Permit Nos. 1876A-3 and 3748A-3 were issued in 2025, so they are not included in this table.

Table 5: Irrigation reported statistics per permit (2015-2024)

Permit No.	Acres	No. Reports	Average (ac-ft/yr)	St. Dev. (ac-ft/yr)	R ²	Trend (ac-ft/yr)	Trend (% Avg.)	Trend (in/yr)	Trend Assessment
961-3	320	10	158	136	10%	12.29	8%	0.46	↑
970-3	132	10	164	71	3%	-3.91	-2%	-0.36	≈
987-3	154	10	166	86	12%	-9.62	-6%	-0.75	↓
1033A-3	130	10	78	37	25%	-6.46	-8%	-0.60	≈
1048-3	160	10	63	73	11%	-4.03	-6%	-0.30	≈
1050-3	430	10	297	211	16%	25.01	8%	0.70	↑
1071-3	160	10	81	112	17%	-7.57	-9%	-0.57	≈
1072-3	160	10	66	130	0%	0.90	1%	0.07	≈
1073-3	312	10	123	111	0%	-1.03	-1%	-0.04	≈
1120-3	240	10	136	128	0%	0.06	0%	0.00	≈
1201A-3	122	10	65	35	1%	1.14	2%	0.11	≈
1223-3	131	10	79	66	0%	-0.23	0%	-0.02	≈
1247-3	160	10	89	51	1%	1.48	2%	0.11	≈
1312-3	160	10	94	55	3%	5.83	6%	0.44	↑
1358B-3	135	6	66	34	32%	11.28	17%	1.00	↑↑
1458-3	160	10	78	59	0%	0.61	1%	0.05	≈
1504A-3	136	10	41	37	11%	-4.19	-10%	-0.37	≈
1504B-3	136	10	37	62	53%	-10.05	-27%	-0.89	↓
1700-3	135	10	64	54	11%	4.12	6%	0.37	≈
1722A-3	160	8	35	49	25%	-10.83	-31%	-0.81	↓
1722B-3	80	8	17	17	1%	-0.63	-4%	-0.09	≈
1723-3	136	10	31	59	26%	-6.82	-22%	-0.60	≈
1724A-3	128	10	78	50	0%	-0.33	0%	-0.03	≈
1876-3	272	10	126	121	19%	-14.99	-12%	-0.66	↓
1891-3	262	10	166	120	13%	12.54	8%	0.57	↑
1894-3	200	10	55	42	16%	-5.37	-10%	-0.32	≈
2208A-3	264	10	123	83	40%	20.26	16%	0.92	↑↑
2235A-3	539	10	259	128	10%	12.50	5%	0.28	≈
2236-3	128	10	59	22	8%	3.05	5%	0.29	≈
2276-3A	200	10	98	79	2%	2.86	3%	0.17	≈
2367-3	124	10	43	75	25%	-5.48	-13%	-0.53	≈
2375-3	272	10	115	81	52%	22.41	20%	0.99	↑↑
2418-3	136	10	78	49	7%	-3.81	-5%	-0.34	≈
2514-3	132	10	52	46	1%	-1.37	-3%	-0.12	≈
2553-3	237	10	119	93	2%	1.94	2%	0.10	≈
2561-3	153	10	44	59	19%	-4.20	-10%	-0.33	≈
2613-3	130	10	75	155	2%	-1.89	-3%	-0.17	≈
2618-3	272	10	77	96	17%	-11.01	-14%	-0.49	≈
3035-3	265	10	141	65	0%	1.03	1%	0.05	≈
3056-3	202	10	45	56	12%	-4.58	-10%	-0.27	≈
3062-3	140	10	58	103	12%	3.32	6%	0.28	≈
3063-3	272	10	46	79	13%	-4.53	-10%	-0.20	≈
3114-3	137	10	132	63	2%	3.51	3%	0.31	≈
3173-3	136	10	73	71	55%	-12.19	-17%	-1.08	↓
3176-3	272	10	109	63	11%	-7.05	-6%	-0.31	≈

Permit No.	Acres	No. Reports	Average (ac-ft/yr)	St. Dev. (ac-ft/yr)	R ²	Trend (ac-ft/yr)	Trend (% Avg.)	Trend (in/yr)	Trend Assessment
3178A-3	132	10	102	105	13%	-8.80	-9%	-0.80	↓
3178B-3	132	3	60	8	0%	-0.64	-1%	-0.06	≈
3179-3	264	10	118	108	16%	-12.32	-10%	-0.56	≈
3181-3	232	10	85	37	2%	2.59	3%	0.13	≈
3182-3	139	10	20	33	1%	0.29	1%	0.02	≈
3189-3	132	10	39	50	22%	-4.66	-12%	-0.42	≈
3268-3	140	1	56	65	N/A	N/A	N/A	N/A	N/A
3268A-3	110	5	43	20	13%	3.16	7%	0.34	≈
3272-3	136	10	72	71	31%	8.39	12%	0.74	↑
3378-3	136	10	65	60	0%	-0.77	-1%	-0.07	≈
3390-3A	132	10	37	63	63%	-12.47	-33%	-1.13	↓
3468-3	272	10	149	72	7%	-5.96	-4%	-0.26	≈
3748-3	102	10	19	62	27%	-5.11	-27%	-0.60	≈
4158-3	136	10	159	57	0%	-1.22	-1%	-0.11	≈
4195A-3	272	10	132	71	1%	-3.60	-3%	-0.16	≈
4196-3	190	10	82	62	0%	0.38	0%	0.02	≈
4203-3	136	10	74	57	4%	-2.94	-4%	-0.26	≈
4374-3	264	10	48	60	52%	-13.40	-28%	-0.61	≈
4375-3	132	10	1	15	16%	0.48	42%	0.04	≈
4390-3	128	10	84	64	3%	-2.92	-3%	-0.27	≈
4486-3	132	10	39	55	24%	-4.59	-12%	-0.42	≈
4586C-3	264	10	266	92	3%	5.61	2%	0.26	≈
4612A-3	132	10	40	52	37%	-6.50	-16%	-0.59	≈
4714-3	127	10	20	31	0%	-0.88	-4%	-0.08	≈
4845-3	136	10	79	48	0%	0.03	0%	0.00	≈
5280-3	264	10	131	98	1%	2.17	2%	0.10	≈
5529-3	160	10	81	61	6%	5.31	7%	0.40	↑
6242A-3	138	10	64	30	17%	4.64	7%	0.40	↑
6341-3	262	10	136	76	2%	-4.47	-3%	-0.20	≈
6655-3	132	10	59	50	11%	-5.93	-10%	-0.54	≈
6656-3	270	10	70	95	14%	-8.95	-13%	-0.40	≈
6675-3	100	10	126	38	11%	-5.03	-4%	-0.60	≈
6676-3	264	10	337	142	1%	-2.71	-1%	-0.12	≈
6711A-3	270	10	101	80	16%	-13.29	-13%	-0.59	≈
6712A-3	135	10	75	58	2%	2.06	3%	0.18	≈
7235A-3	136	10	57	53	6%	-4.27	-8%	-0.38	≈
7295-3	120	10	160	58	0%	-1.53	-1%	-0.15	≈
7316-3	272	10	222	201	0%	3.65	2%	0.16	≈
7348A-3	66	8	52	68	7%	7.94	15%	1.44	↑↑
7348B-3	135	5	36	50	2%	5.30	15%	0.47	↑
7348C-3	104	5	69	69	6%	-12.37	-18%	-1.43	↓↓
7348D-3	135	5	89	102	10%	-22.27	-25%	-1.98	↓↓
7364-3	135	10	68	32	1%	1.15	2%	0.10	≈
7365-3	132	10	2	6	50%	-0.84	-42%	-0.08	≈
7366-3	132	10	2	5	58%	-0.96	-41%	-0.09	≈
7367-3	132	10	9	20	5%	-1.12	-12%	-0.10	≈

Permit No.	Acres	No. Reports	Average (ac-ft/yr)	St. Dev. (ac-ft/yr)	R ²	Trend (ac-ft/yr)	Trend (% Avg.)	Trend (in/yr)	Trend Assessment
7369A-3	154	10	57	29	5%	2.16	4%	0.17	≈
7369B-3	132	10	37	28	3%	1.66	4%	0.15	≈
7369C-3	130	10	28	28	0%	0.22	1%	0.02	≈
7370-3	132	10	6	8	63%	-2.18	-38%	-0.20	≈
Total	16,872	904	8,165	6,380	--	-111.58	--	-0.01	≈
Average	178	10	86	67	13%	-1.19	-4%	-0.12	--
St. Dev.	76		61	38	16%	7.58	13%	0.51	--
Min.	66	1	1	5	0%	-22.27	-42%	-1.98	--
Max.	539	10	337	211	63%	25.01	42%	1.44	--
Median	136	10	73	61	8%	-0.99	-2%	-0.09	--

Permit Nos. 1876A-3 and 3748A-3 were issued in 2025, so they are not included in this table.

Appendix B: Observation Well Hydrographs

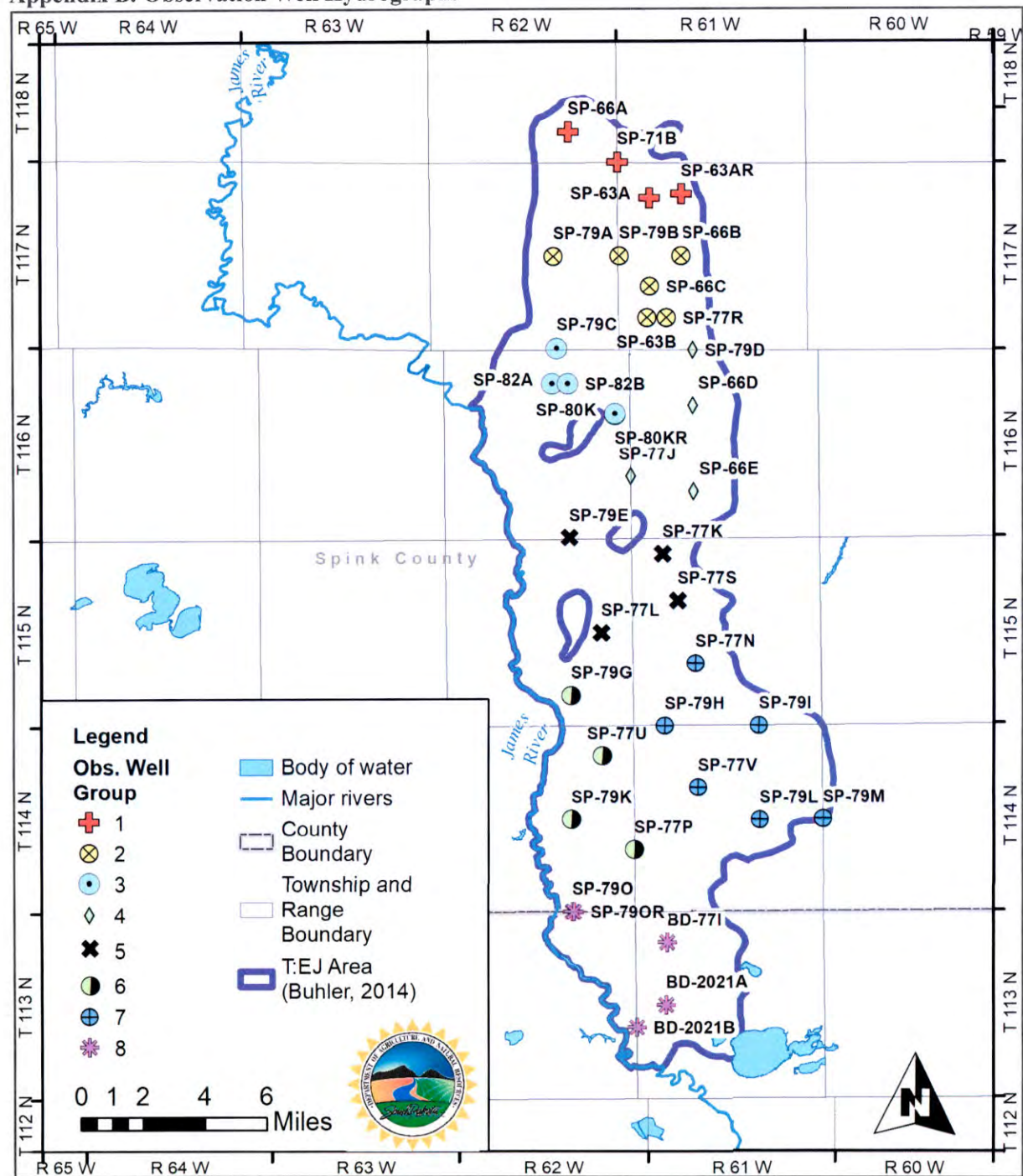


Figure 5: Map of groups of observation wells in T:EJ [2]

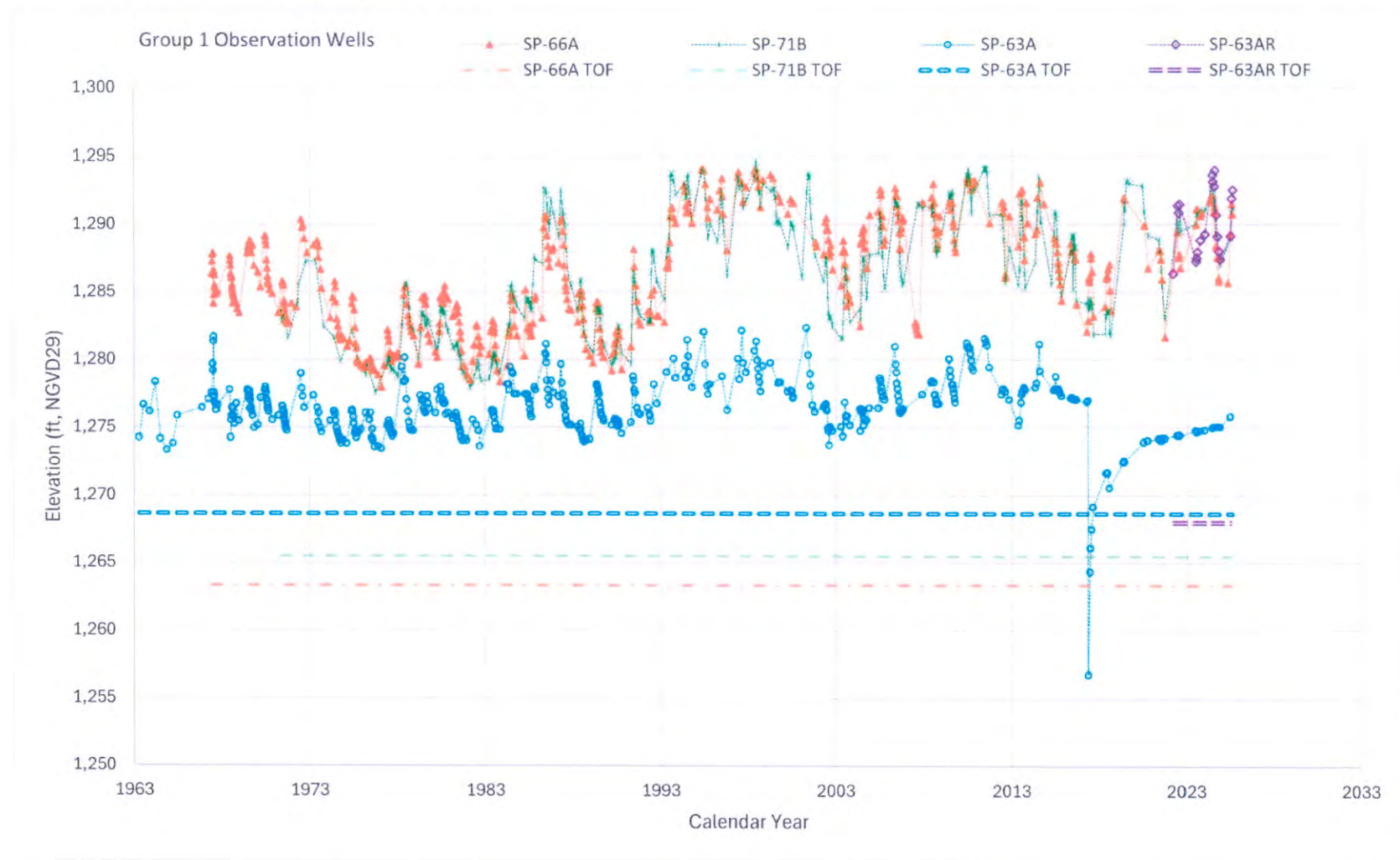


Figure 6: Observation well water level elevations and formation top (TOF) elevations for Group 1 [2]

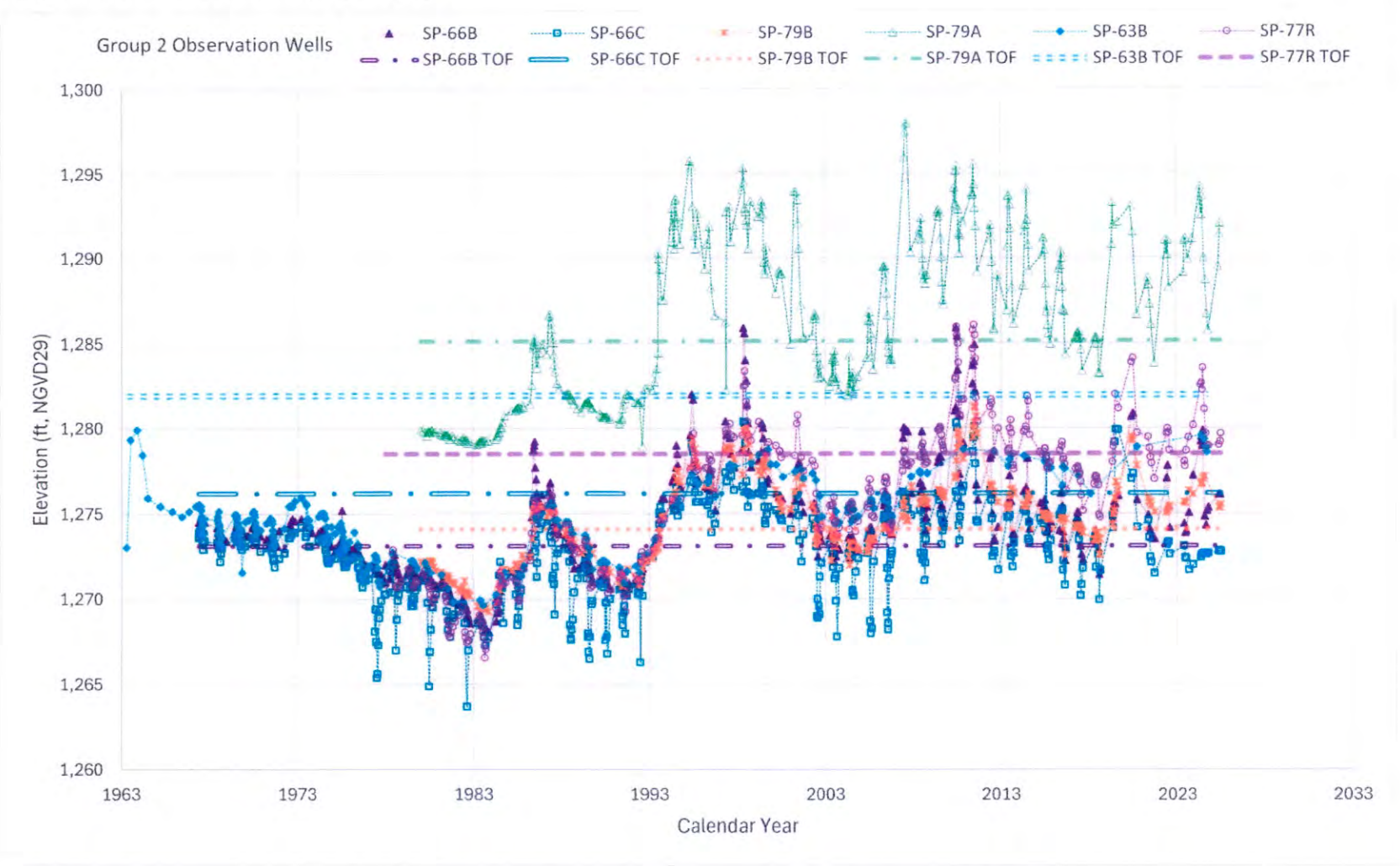


Figure 7: Observation well water level elevations and TOF elevations for Group 2 [2]

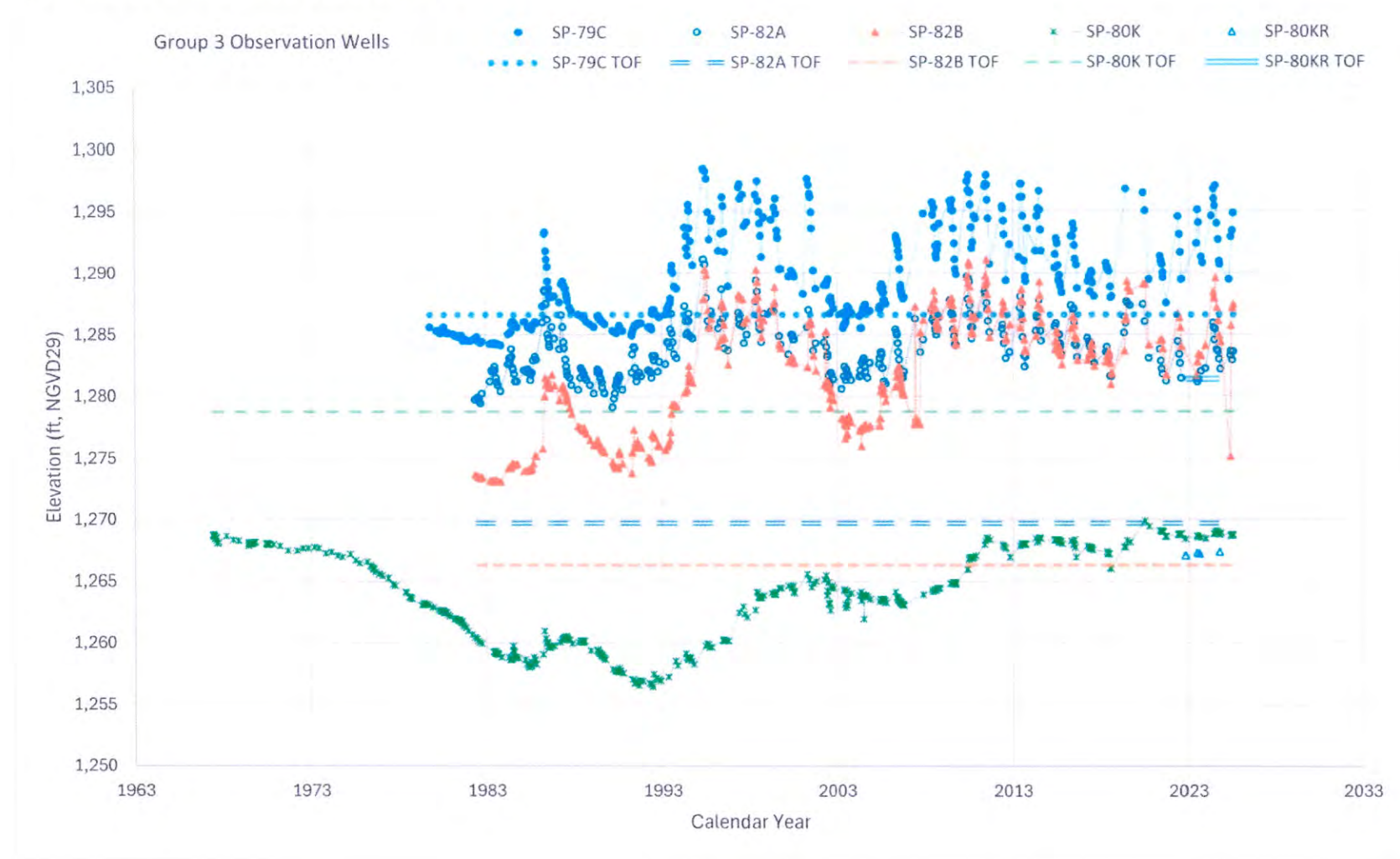


Figure 8: Observation well water level elevations and TOF elevations for Group 3 [2]

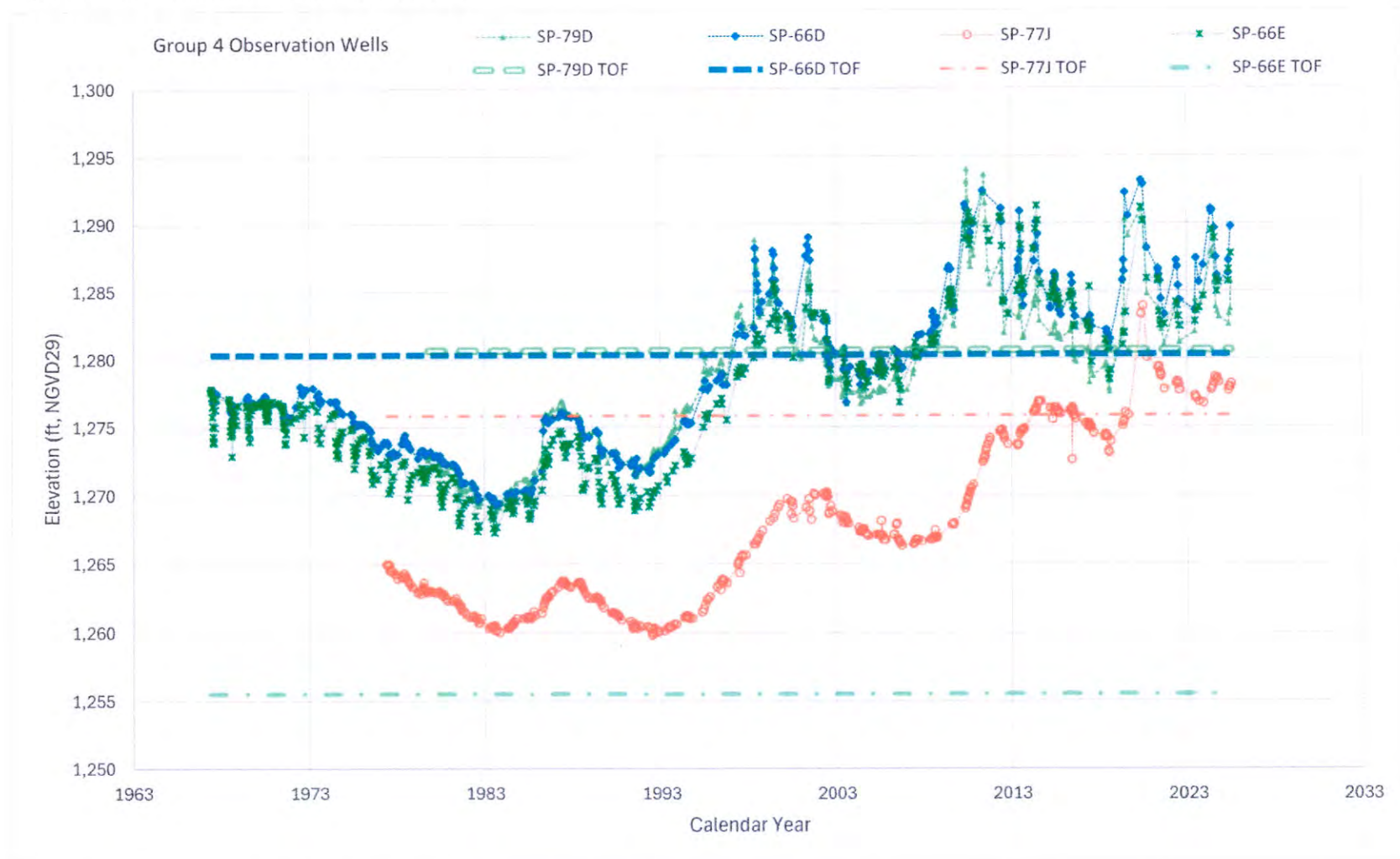


Figure 9: Observation well water level elevations and TOF elevations for Group 4 [2]

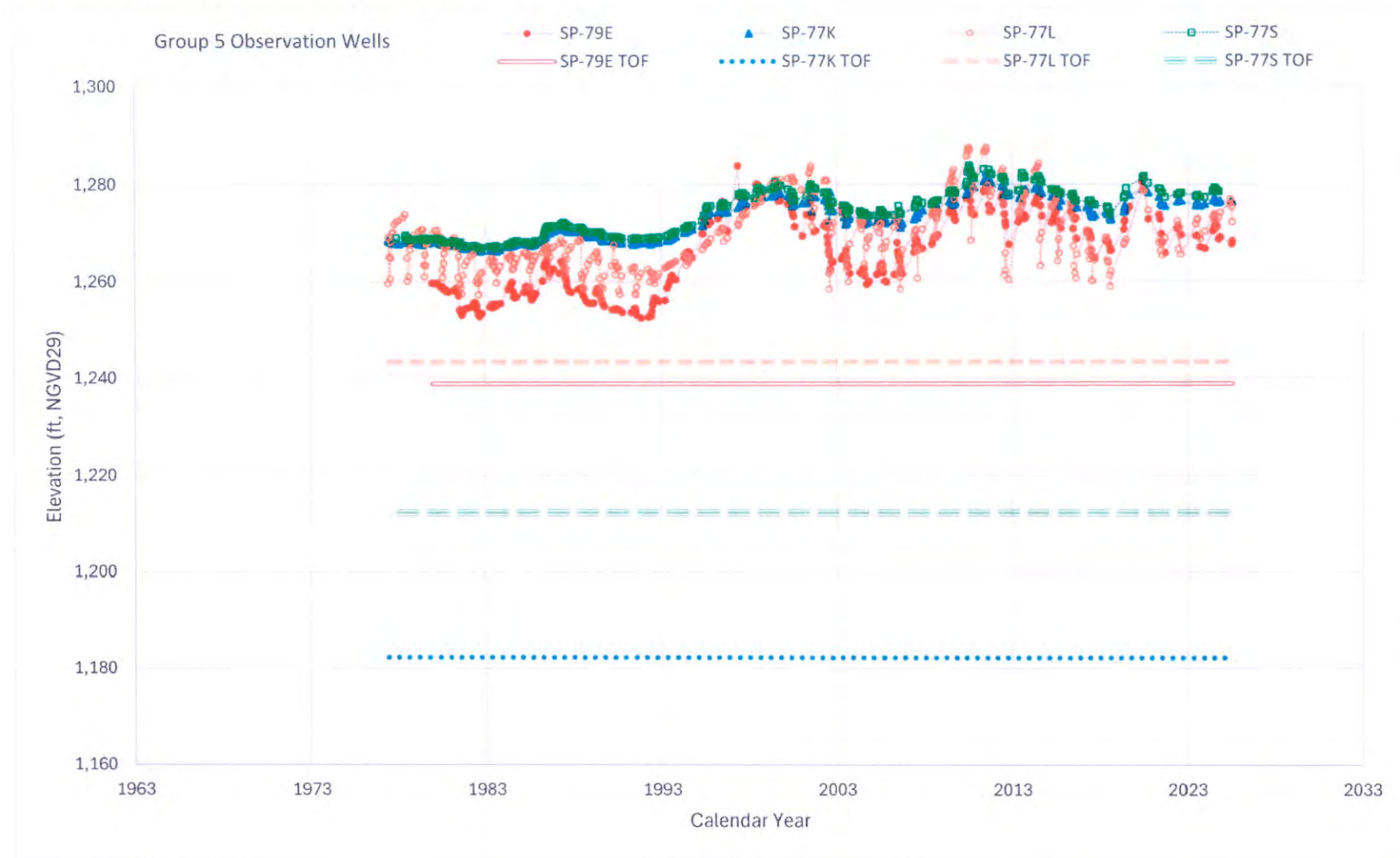


Figure 10: Observation well water level elevations and TOF elevations for Group 5 [2]



Figure 11: Observation well water level elevations and TOF elevations for Group 6 [2]

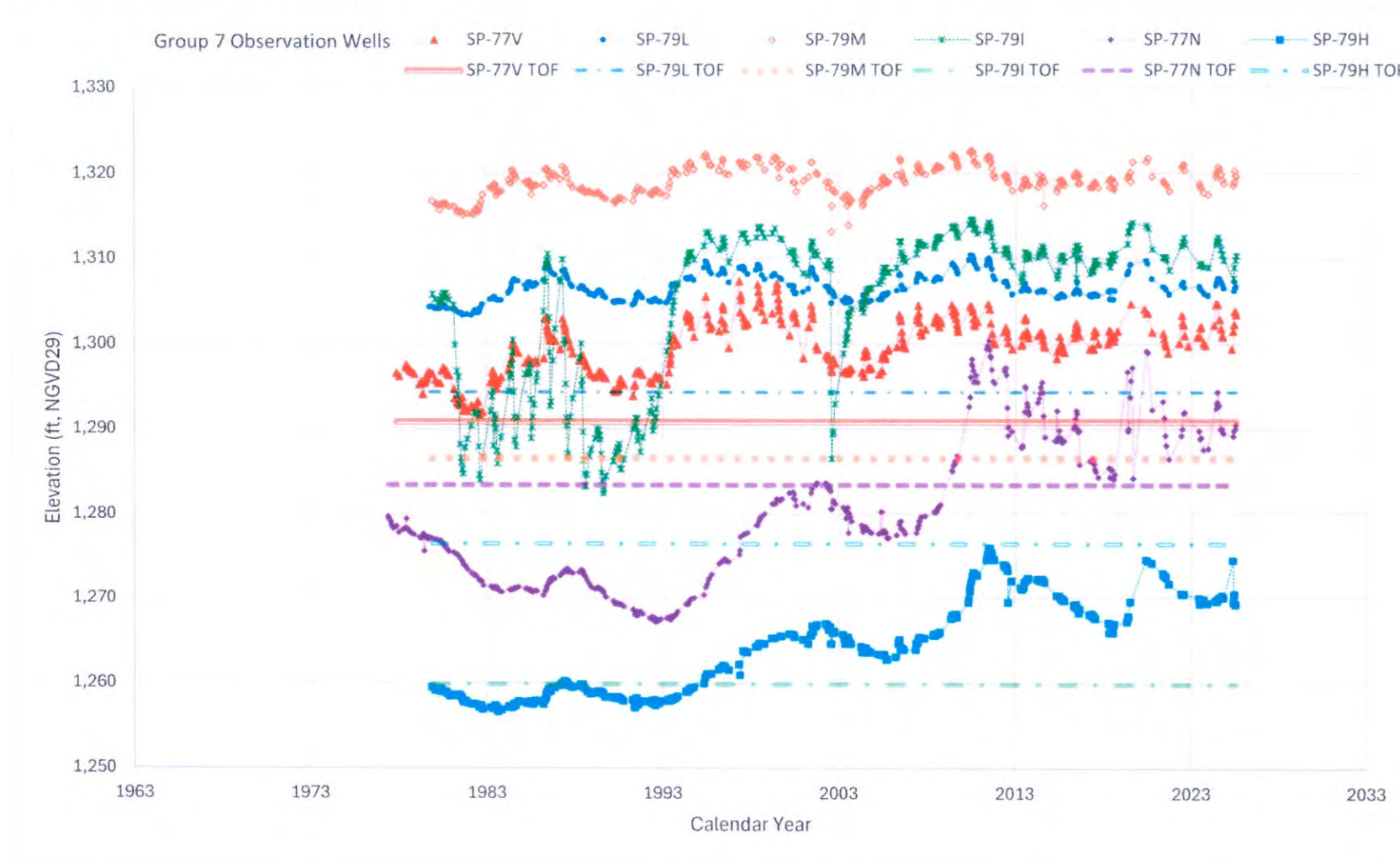


Figure 12: Observation well water level elevations and TOF elevations for Group 7 [2]

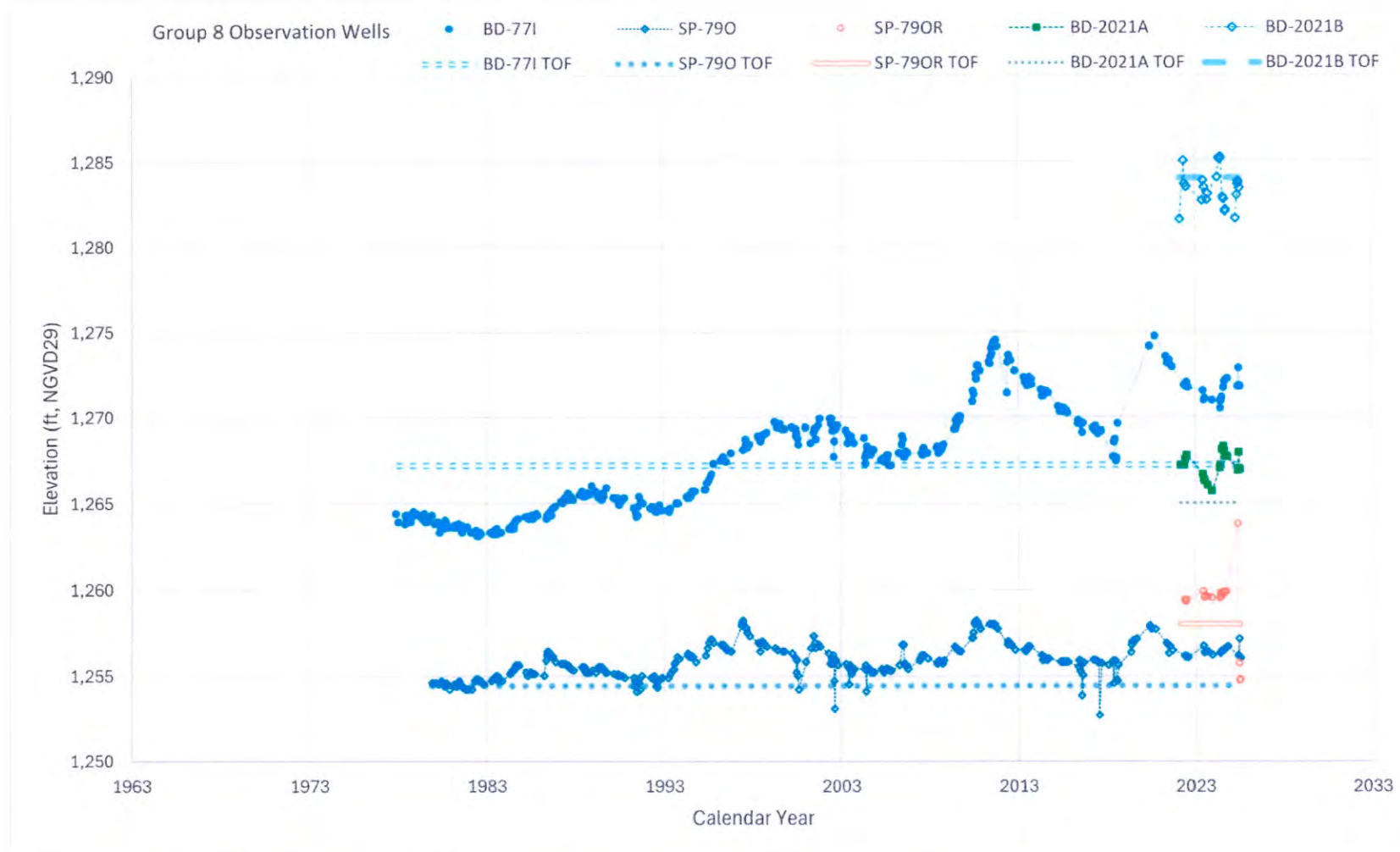


Figure 13: Observation well water level elevations and TOF elevations for Group 8 [2]

Appendix C: Climactic Data

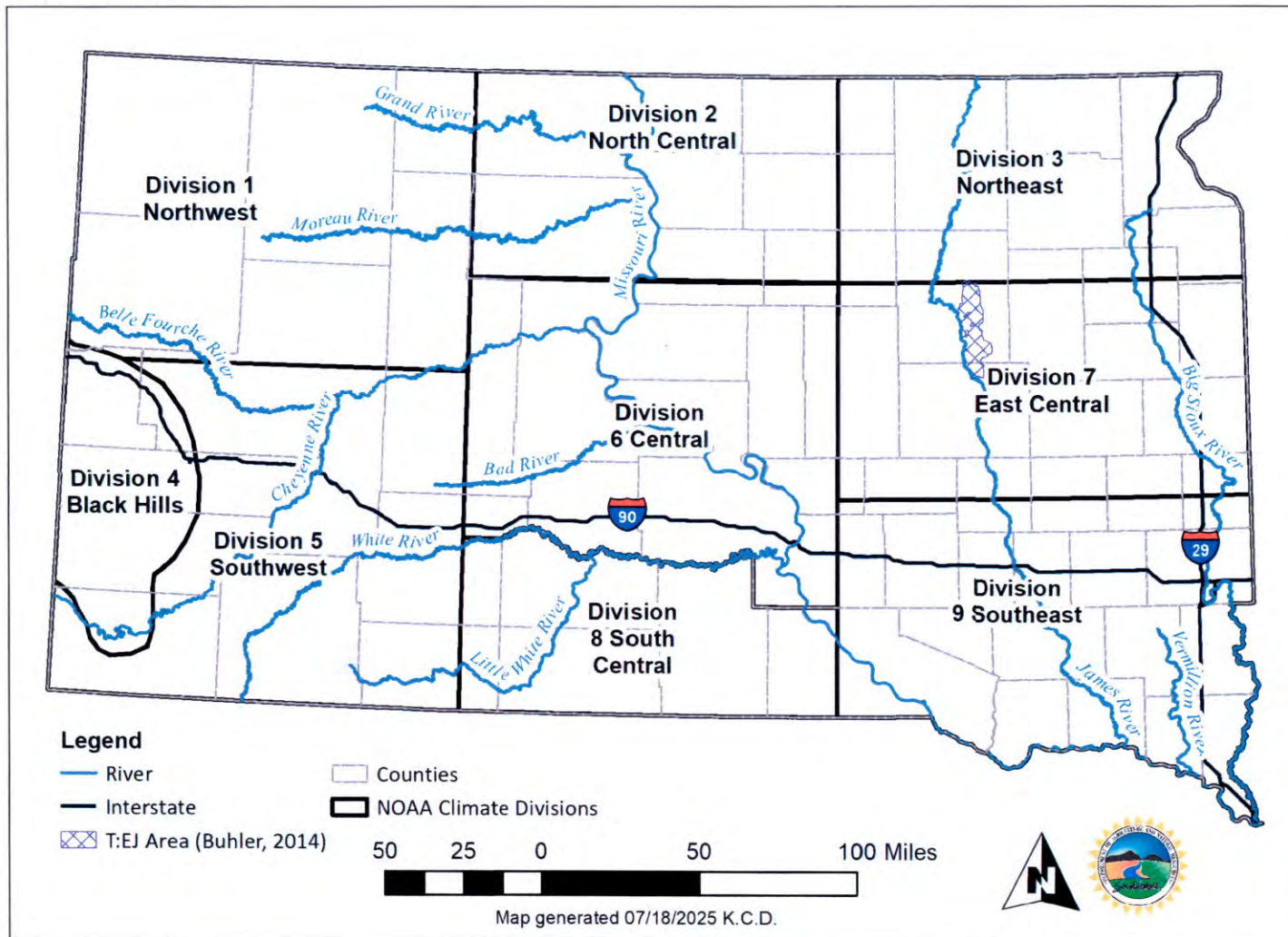


Figure 14: Map of NOAA Climate Divisions in South Dakota [15]

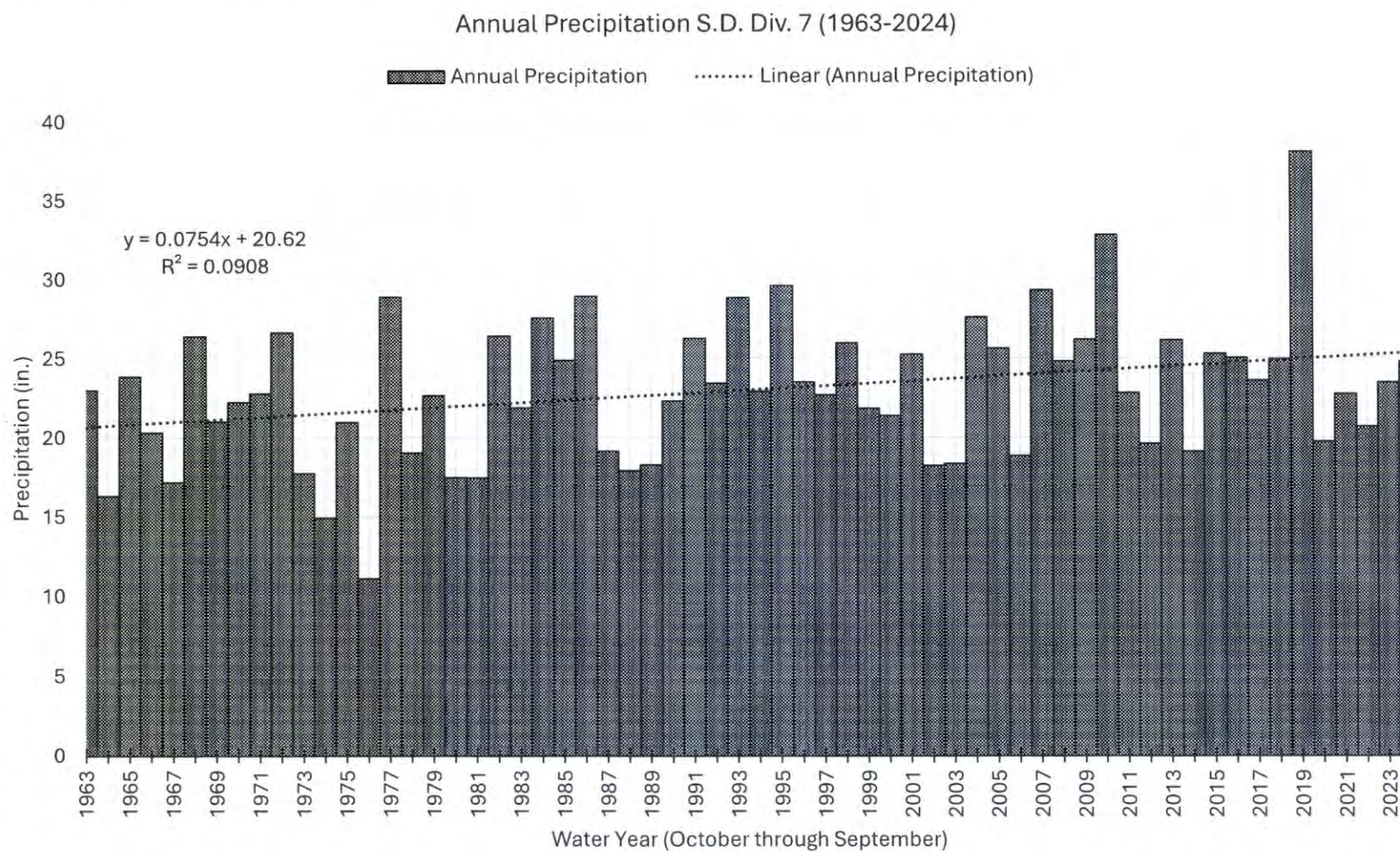


Figure 15: Annual precipitation for South Dakota Climate Division 7 from 1963 through 2024. The average from the 1900-2000 period of record was 21.6 inches [15].

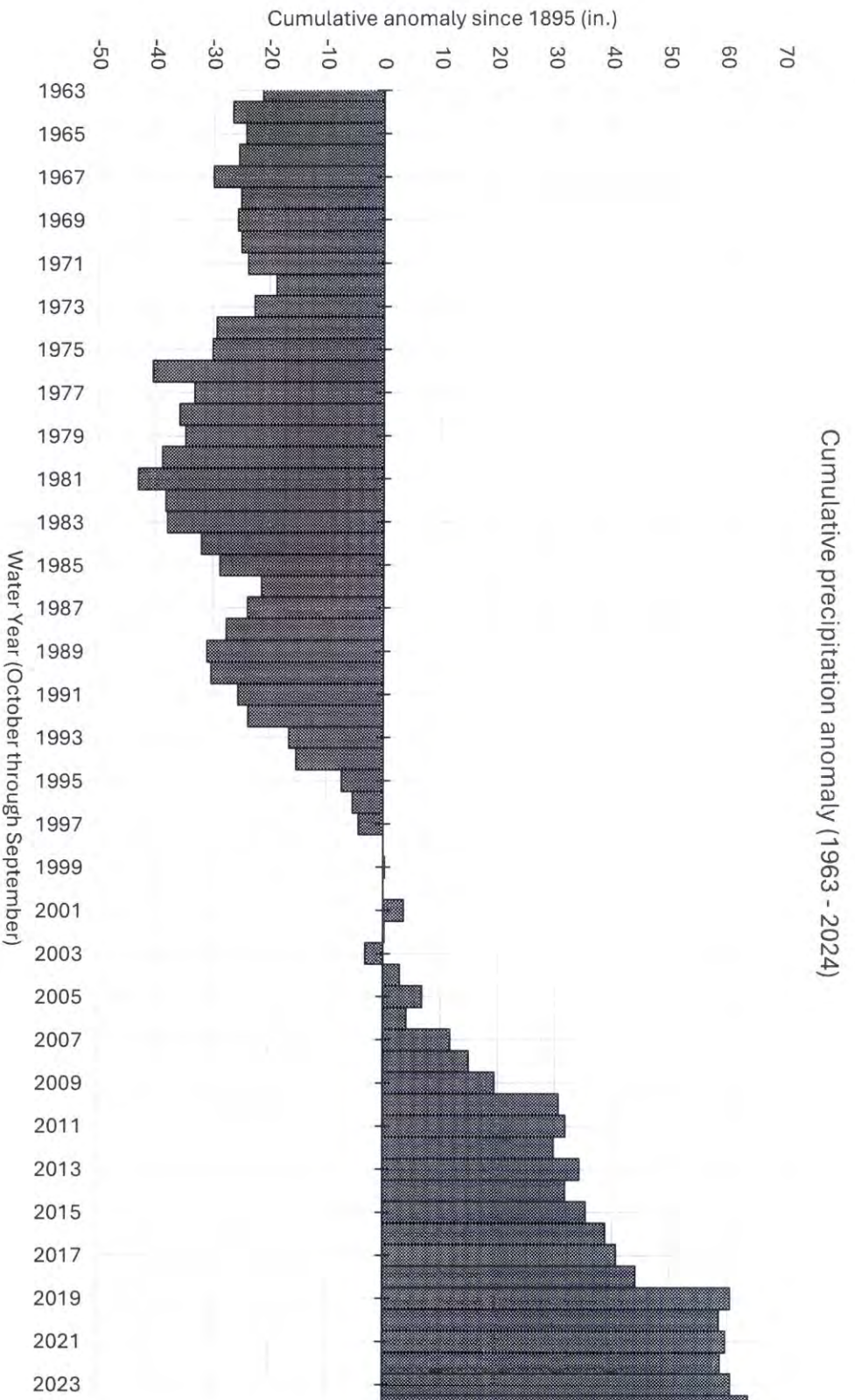


Figure 16: Cumulative Precipitation Anomaly from 1963 through 2024 [15]

Table 6 Annual Precipitation data for South Dakota Climate Division 7 (East Central) [15]

Water Year	Precip. (in)	Anomaly (in)	Cumulative Anom. (in)	Water Year	Precip. (in)	Anomaly (in)	Cumulative Anom. (in)	Water Year	Precip. (in)	Anomaly (in)	Cumulative Anom. (in)	Water Year	Precip. (in)	Anomaly (in)	Cumulative Anom. (in)
1895	17.98	-3.62	-3.62	1928	18.48	-3.12	18.71	1961	20.15	-1.45	-28.79	1994	22.9	1.30	-15.26
1896	26.44	4.84	1.22	1929	20.88	-0.72	17.98	1962	27.72	6.12	-22.67	1995	29.59	7.99	-7.27
1897	25.23	3.63	4.84	1930	19.5	-2.10	15.88	1963	23	1.40	-21.27	1996	23.49	1.89	-5.38
1898	16.83	-4.77	0.07	1931	15.72	-5.88	10.00	1964	16.33	-5.27	-26.54	1997	22.67	1.07	-4.31
1899	19.55	-2.05	-1.98	1932	18.57	-3.03	6.97	1965	23.88	2.28	-24.26	1998	25.96	4.36	0.04
1900	26.93	5.33	3.35	1933	13.92	-7.68	-0.71	1966	20.34	-1.26	-25.53	1999	21.81	0.21	0.25
1901	23.83	2.23	5.57	1934	14.9	-6.70	-7.42	1967	17.19	-4.41	-29.94	2000	21.35	-0.25	0.00
1902	21.09	-0.51	5.06	1935	19.92	-1.68	-9.10	1968	26.4	4.80	-25.14	2001	25.23	3.63	3.63
1903	23.13	1.53	6.59	1936	14.45	-7.15	-16.25	1969	21.03	-0.57	-25.71	2002	18.18	-3.42	0.21
1904	18.19	-3.41	3.18	1937	18.49	-3.11	-19.36	1970	22.24	0.64	-25.07	2003	18.3	-3.30	-3.10
1905	28.95	7.35	10.53	1938	20.22	-1.38	-20.75	1971	22.81	1.21	-23.87	2004	27.59	5.99	2.89
1906	27.66	6.06	16.58	1939	17.96	-3.64	-24.39	1972	26.63	5.03	-18.84	2005	25.59	3.99	6.88
1907	18.43	-3.17	13.41	1940	18.55	-3.05	-27.44	1973	17.74	-3.86	-22.70	2006	18.8	-2.80	4.08
1908	27.38	5.78	19.19	1941	21.28	-0.32	-27.76	1974	14.92	-6.68	-29.38	2007	29.29	7.69	11.76
1909	23.21	1.61	20.80	1942	26.74	5.14	-22.62	1975	20.96	-0.64	-30.03	2008	24.77	3.17	14.93
1910	14.57	-7.03	13.77	1943	21.76	0.16	-22.47	1976	11.12	-10.48	-40.51	2009	26.15	4.55	19.48
1911	20.63	-0.97	12.79	1944	26.35	4.75	-17.72	1977	28.89	7.29	-33.22	2010	32.79	11.19	30.67
1912	19.61	-1.99	10.80	1945	21.37	-0.23	-17.95	1978	19.03	-2.57	-35.79	2011	22.78	1.18	31.85
1913	19.16	-2.44	8.36	1946	26.59	4.99	-12.96	1979	22.65	1.05	-34.74	2012	19.57	-2.03	29.81
1914	28.51	6.91	15.27	1947	21.48	-0.12	-13.09	1980	17.48	-4.12	-38.87	2013	26.11	4.51	34.32
1915	24.45	2.85	18.11	1948	22.89	1.29	-11.80	1981	17.46	-4.14	-43.01	2014	19.07	-2.53	31.79
1916	23.6	2.00	20.11	1949	18.4	-3.20	-15.00	1982	26.42	4.82	-38.19	2015	25.24	3.64	35.43
1917	19.26	-2.34	17.77	1950	19.38	-2.22	-17.22	1983	21.89	0.29	-37.90	2016	24.99	3.39	38.82
1918	23.98	2.38	20.15	1951	24.79	3.19	-14.03	1984	27.55	5.95	-31.96	2017	23.56	1.96	40.77
1919	24.97	3.37	23.52	1952	14.79	-6.81	-20.85	1985	24.84	3.24	-28.72	2018	24.89	3.29	44.06
1920	27.81	6.21	29.72	1953	25.21	3.61	-17.24	1986	28.92	7.32	-21.40	2019	38.02	16.42	60.48
1921	22.85	1.25	30.97	1954	18.57	-3.03	-20.27	1987	19.12	-2.48	-23.88	2020	19.71	-1.89	58.59
1922	19.76	-1.84	29.13	1955	17.49	-4.11	-24.38	1988	17.88	-3.72	-27.60	2021	22.69	1.09	59.67
1923	19.98	-1.62	27.51	1956	22.86	1.26	-23.12	1989	18.26	-3.34	-30.95	2022	20.64	-0.96	58.71
1924	22.74	1.14	28.64	1957	24.58	2.98	-20.15	1990	22.31	0.71	-30.24	2023	23.42	1.82	60.53
1925	15.46	-6.14	22.50	1958	15.27	-6.33	-26.48	1991	26.26	4.66	-25.58	2024	24.72	3.12	63.65
1926	19.16	-2.44	20.06	1959	19.36	-2.24	-28.72	1992	23.41	1.81	-23.77	2025	12.34	-9.26	54.39
1927	23.37	1.77	21.83	1960	22.99	1.39	-27.33	1993	28.82	7.22	-16.55	Water Year 2025 ends September 30			



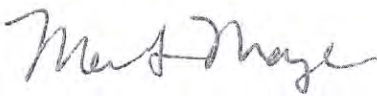
**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

August 27, 2025

NOTICE OF HEARING

To: Ronald Starr
40283 US Hwy 212
Doland SD 57436

From: Mark Mayer, PE 
Acting Chief Engineer

Subject: Five-Year Review to Determine the Availability of Unappropriated Water in the Tulare: East James Aquifer concerning held Application No(s). 8140-3

Important: Your written response is required within 30 days, notifying the acting Chief Engineer whether you wish for Application No(s). 8140-3 to retain eligibility for any water that may become available from the aquifer. Failure to provide a written response results in withdrawal of your held application(s). Send response to: Atten. Amanda Dewell, Water Rights Program, 523 E. Capitol Ave., Pierre SD 57501.

The Water Management Board (Board) previously determined the average annual withdrawal of water from the Tulare: East James Aquifer is equal to the average estimated annual recharge and deemed the aquifer fully appropriated. Pursuant to South Dakota Codified Law (SDCL) 46-2A-7.1, the Board held a hearing for the purpose of accepting applications for potential future appropriations from the aquifer and created a priority list. The hearing was held on May 7, 2015. Fourteen applications were prioritized and held by the Board for possible future action.

Pursuant to SDCL 46-2A-7.5, the Board is required to hold a public hearing reviewing the groundwater source, all permits appropriating water from that source, and all held applications (such as yours) at least once every five years, to determine whether unappropriated water has become available for use. On October 7, 2020, the first five-year review was conducted by the Board. During the review, the Board decided water was not available for appropriation. Included in the fourteen applications, is/are the application(s) submitted by Ronald Starr: 8140-3 - SE 1/4 Sec 17-T116N-R61W.

The next five-year review by the Board is scheduled for 10:15 AM (Central Time), on Wednesday, October 1, 2025, at the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Ave, Pierre SD 57501. You do NOT need to be present at the hearing for your application(s) to retain eligibility. However, SDCL 46-2A-7.5 requires any applicant, such as yourself, to notify the Chief Engineer in writing within thirty days of receipt of this notice, whether you desire to retain eligibility to appropriate any water the Board may determine is available. Failure to respond in writing within 30 days constitutes withdrawal of your application(s).

A 2025 aquifer status report has been prepared for the Board's consideration. The 2025 aquifer status report and a copy of a public notice to be published concerning the October 1, 2025, hearing are both available online at <https://danr.sd.gov/OfficeOfWater/WaterRights/aquifer/> or a hard copy will be provided upon request. At the October 1, 2025, hearing, the Board is authorized to 1) determine that additional water is available for appropriation, 2) determine that no additional water is available for appropriation, or 2) defer action for further

study. The hearing 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-7.5, the Board has legal authority and jurisdiction to conduct this hearing. After the hearing is conducted by the Board, you will be notified of the Board's decision.

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.

Questions regarding the hearing process, or a copy of the report and public notice, may be directed to Amanda Dewell (Amanda.Dewell@state.sd.us) or Ron Duvall (Ron.Duvall@state.sd.us), Water Rights Program at (605) 773-3352.



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

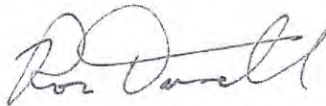
JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

September 23, 2025

NOTICE OF POSTPONEMENT OF HEARING

To: Ronald Starr
40283 US Hwy 212
Doland SD 57436

From:  Mark Mayer, PE
Acting Chief Engineer



Subject: POSTPONEMENT of Five-Year Review to Determine the Availability of Unappropriated Water
in the Tulare: East James Aquifer concerning held Application No(s). 8140-3

The five-year review by the Board scheduled for Wednesday, October 1, 2025, in Pierre SD has been postponed due to the public notice of hearing not getting published in a newspaper. **The hearing will NOT be held on October 1, 2025.**

The hearing will be rescheduled for the December meeting of the Water Management Board which is tentatively scheduled for December 3 and 4, 2025. Future notice will be provided of the exact time and place of hearing which will likely be in Pierre.

We apologize for any inconvenience this may cause. If you have any questions, please contact Amanda Dewell (Amanda.Dewell@state.sd.us) or Ron Duvall (Ron.Duvall@state.sd.us), Water Rights Program at (605) 773-3352.



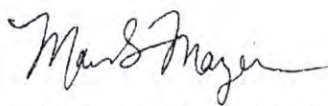
**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

October 8, 2025

NOTICE OF HEARING

To: Ronald Starr
40283 US Hwy 212
Doland SD 57436

From: Mark Mayer, PE 
Acting Chief Engineer

Subject: **Re-Scheduled** Five-Year Review to Determine the Availability of Unappropriated Water in the
Tulare: East James Aquifer concerning held Application No(s). 8140-3

The Water Management Board (Board) previously determined the average annual withdrawal of water from the Tulare: East James Aquifer is equal to the average estimated annual recharge and deemed the aquifer fully appropriated. Pursuant to South Dakota Codified Law (SDCL) 46-2A-7.1, the Board held a hearing for the purpose of accepting applications for potential future appropriations from the aquifer and created a priority list. The hearing was held on May 7, 2015. Fourteen applications were prioritized and held by the Board for possible future action.

Pursuant to SDCL 46-2A-7.5, the Board is required to hold a public hearing reviewing the groundwater source, all permits appropriating water from that source, and all held applications (such as yours) at least once every five years, to determine whether unappropriated water has become available for use. On October 7, 2020, the first five-year review was conducted by the Board. During the review, the Board decided water was not available for appropriation. Included in the fourteen applications, is/are the application(s) submitted by Ronald Starr: 8140-3 - SE 1/4 Sec 17-T116N-R61W.

The next five-year review by the Board is scheduled for **9:45 AM (Central Time), on Wednesday, December 3, 2025, at the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Ave, Pierre SD 57501.** You do NOT need to be present at the hearing for your application(s) to retain eligibility.

A 2025 aquifer status report has been prepared for the Board's consideration. The 2025 aquifer status report and a copy of a public notice to be published concerning the December 3, 2025, hearing will both be available online at <https://danr.sd.gov/OfficeOfWater/WaterRights/aquifer/> or a hard copy will be provided upon request. At the December 3, 2025, hearing, the Board is authorized to 1) determine that additional water is available for appropriation, 2) determine that no additional water is available for appropriation, or 2) defer action for further study. The hearing 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-7.5, the Board has legal authority and jurisdiction to conduct this hearing. After the hearing is conducted by the Board, you will be notified of the Board's decision.

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.

Questions regarding the hearing process, or a copy of the report and public notice, may be directed to Amanda Dewell (Amanda.Dewell@state.sd.us) or Ron Duvall (Ron.Duvall@state.sd.us), Water Rights Program at (605) 773-3352.



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

August 27, 2025

NOTICE OF HEARING

To: Larry R Lambert
PO Box 1805
Wenatchee WA 98807

From: Mark Mayer, PE *Mark Mayer*
Acting Chief Engineer

Subject: Five-Year Review to Determine the Availability of Unappropriated Water in the Tulare: East James Aquifer concerning held Application No(s). 8082-3

Important: Your written response is required within 30 days, notifying the acting Chief Engineer whether you wish for Application No(s). 8082-3 to retain eligibility for any water that may become available from the aquifer. Failure to provide a written response results in withdrawal of your held application(s). Send response to: Atten. Amanda Dewell, Water Rights Program, 523 E. Capitol Ave., Pierre SD 57501.

The Water Management Board (Board) previously determined the average annual withdrawal of water from the Tulare: East James Aquifer is equal to the average estimated annual recharge and deemed the aquifer fully appropriated. Pursuant to South Dakota Codified Law (SDCL) 46-2A-7.1, the Board held a hearing for the purpose of accepting applications for potential future appropriations from the aquifer and created a priority list. The hearing was held on May 7, 2015. Fourteen applications were prioritized and held by the Board for possible future action.

Pursuant to SDCL 46-2A-7.5, the Board is required to hold a public hearing reviewing the groundwater source, all permits appropriating water from that source, and all held applications (such as yours) at least once every five years, to determine whether unappropriated water has become available for use. On October 7, 2020, the first five-year review was conducted by the Board. During the review, the Board decided water was not available for appropriation. Included in the fourteen applications, is/are the application(s) submitted by Larry R Lambert: 8082-3 - SE 1/4 Sec 9-T116N-R61W.

The next five-year review by the Board is scheduled for 10:15 AM (Central Time), on Wednesday, October 1, 2025, at the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Ave, Pierre SD 57501. You do NOT need to be present at the hearing for your application(s) to retain eligibility. However, SDCL 46-2A-7.5 requires any applicant, such as yourself, to notify the Chief Engineer in writing within thirty days of receipt of this notice, whether you desire to retain eligibility to appropriate any water the Board may determine is available. Failure to respond in writing within 30 days constitutes withdrawal of your application(s).

A 2025 aquifer status report has been prepared for the Board's consideration. The 2025 aquifer status report and a copy of a public notice to be published concerning the October 1, 2025, hearing are both available online at <https://danr.sd.gov/OfficeOfWater/WaterRights/aquifer/> or a hard copy will be provided upon request. At the October 1, 2025, hearing, the Board is authorized to 1) determine that additional water is available for appropriation, 2) determine that no additional water is available for appropriation, or 2) defer action for further

study. The hearing 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-7.5, the Board has legal authority and jurisdiction to conduct this hearing. After the hearing is conducted by the Board, you will be notified of the Board's decision.

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Questions regarding the hearing process, or a copy of the report and public notice, may be directed to Amanda Dewell (Amanda.Dewell@state.sd.us) or Ron Duvall (Ron.Duvall@state.sd.us), Water Rights Program at (605) 773-3352.



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

September 23, 2025

NOTICE OF POSTPONEMENT OF HEARING

To: Larry R Lambert
PO Box 1805
Wenatchee WA 98807

From: *for* Mark Mayer, PE
Acting Chief Engineer

Subject: POSTPONEMENT of Five-Year Review to Determine the Availability of Unappropriated Water in the Tulare: East James Aquifer concerning held Application No(s). 8082-3

The five-year review by the Board scheduled for Wednesday, October 1, 2025, in Pierre SD has been postponed due to the public notice of hearing not getting published in a newspaper. **The hearing will NOT be held on October 1, 2025.**

The hearing will be rescheduled for the December meeting of the Water Management Board which is tentatively scheduled for December 3 and 4, 2025. Future notice will be provided of the exact time and place of hearing which will likely be in Pierre.

We apologize for any inconvenience this may cause. If you have any questions, please contact Amanda Dewell (Amanda.Dewell@state.sd.us) or Ron Duvall (Ron.Duvall@state.sd.us), Water Rights Program at (605) 773-3352.



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

October 8, 2025

NOTICE OF HEARING

To: Larry R Lambert
PO Box 1805
Wenatchee WA 98807

From: Mark Mayer, PE
Acting Chief Engineer

Subject: **Re-Scheduled** Five-Year Review to Determine the Availability of Unappropriated Water in the
Tulare: East James Aquifer concerning held Application No(s). 8082-3

The Water Management Board (Board) previously determined the average annual withdrawal of water from the Tulare: East James Aquifer is equal to the average estimated annual recharge and deemed the aquifer fully appropriated. Pursuant to South Dakota Codified Law (SDCL) 46-2A-7.1, the Board held a hearing for the purpose of accepting applications for potential future appropriations from the aquifer and created a priority list. The hearing was held on May 7, 2015. Fourteen applications were prioritized and held by the Board for possible future action.

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The next five-year review by the Board is scheduled for **9:45 AM (Central Time), on Wednesday, December 3, 2025, at the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Ave, Pierre SD 57501.** You do NOT need to be present at the hearing for your application(s) to retain eligibility.

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

August 27, 2025

NOTICE OF HEARING

To: Gordie Hofer
40058 185th St
Frankfort SD 57440

From: Mark Mayer, PE
Acting Chief Engineer *Mark Mayer*

Subject: Five-Year Review to Determine the Availability of Unappropriated Water in the Tulare: East James Aquifer concerning held Application No(s). 8086-3

Important: Your written response is required within 30 days, notifying the acting Chief Engineer whether you wish for Application No(s). 8086-3 to retain eligibility for any water that may become available from the aquifer. Failure to provide a written response results in withdrawal of your held application(s). Send response to: Atten. Amanda Dewell, Water Rights Program, 523 E. Capitol Ave., Pierre SD 57501.

The Water Management Board (Board) previously determined the average annual withdrawal of water from the Tulare: East James Aquifer is equal to the average estimated annual recharge and deemed the aquifer fully appropriated. Pursuant to South Dakota Codified Law (SDCL) 46-2A-7.1, the Board held a hearing for the purpose of accepting applications for potential future appropriations from the aquifer and created a priority list. The hearing was held on May 7, 2015. Fourteen applications were prioritized and held by the Board for possible future action.

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**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

September 23, 2025

NOTICE OF POSTPONEMENT OF HEARING

To: Gordie Hofer
40058 185th St
Frankfort SD 57440

From: Mark Mayer, PE
Acting Chief Engineer

Subject: POSTPONEMENT of Five-Year Review to Determine the Availability of Unappropriated Water in the Tulare: East James Aquifer concerning held Application No(s). 8086-3

The five-year review by the Board scheduled for Wednesday, October 1, 2025, in Pierre SD has been postponed due to the public notice of hearing not getting published in a newspaper. **The hearing will NOT be held on October 1, 2025.**

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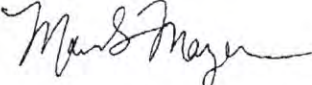
**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

October 8, 2025

NOTICE OF HEARING

To: Gordie Hofer
40058 185th St
Frankfort SD 57440

From: Mark Mayer, PE 
Acting Chief Engineer

Subject: **Re-Scheduled** Five-Year Review to Determine the Availability of Unappropriated Water in the
Tulare: East James Aquifer concerning held Application No(s). 8086-3

The Water Management Board (Board) previously determined the average annual withdrawal of water from the Tulare: East James Aquifer is equal to the average estimated annual recharge and deemed the aquifer fully appropriated. Pursuant to South Dakota Codified Law (SDCL) 46-2A-7.1, the Board held a hearing for the purpose of accepting applications for potential future appropriations from the aquifer and created a priority list. The hearing was held on May 7, 2015. Fourteen applications were prioritized and held by the Board for possible future action.

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

August 27, 2025

NOTICE OF HEARING

To: Julie A Hengen Living Trust, c/o Rick Gullickson
22219 480th Ave
Flandreau SD 57028

From: Mark Mayer, PE *Mark Mayer*
Acting Chief Engineer

Subject: Five-Year Review to Determine the Availability of Unappropriated Water in the Tulare: East James Aquifer concerning held Application No(s). 8087-3

Important: Your written response is required within 30 days, notifying the acting Chief Engineer whether you wish for Application No(s). 8087-3 to retain eligibility for any water that may become available from the aquifer. Failure to provide a written response results in withdrawal of your held application(s). Send response to: Atten. Amanda Dewell, Water Rights Program, 523 E. Capitol Ave., Pierre SD 57501.

The Water Management Board (Board) previously determined the average annual withdrawal of water from the Tulare: East James Aquifer is equal to the average estimated annual recharge and deemed the aquifer fully appropriated. Pursuant to South Dakota Codified Law (SDCL) 46-2A-7.1, the Board held a hearing for the purpose of accepting applications for potential future appropriations from the aquifer and created a priority list. The hearing was held on May 7, 2015. Fourteen applications were prioritized and held by the Board for possible future action.

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The next five-year review by the Board is scheduled for 10:15 AM (Central Time), on Wednesday, October 1, 2025, at the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Ave, Pierre SD 57501. You do NOT need to be present at the hearing for your application(s) to retain eligibility. However, SDCL 46-2A-7.5 requires any applicant, such as yourself, to notify the Chief Engineer in writing within thirty days of receipt of this notice, whether you desire to retain eligibility to appropriate any water the Board may determine is available. Failure to respond in writing within 30 days constitutes withdrawal of your application(s).

A 2025 aquifer status report has been prepared for the Board's consideration. The 2025 aquifer status report and a copy of a public notice to be published concerning the October 1, 2025, hearing are both available online at <https://danr.sd.gov/OfficeOfWater/WaterRights/aquifer/> or a hard copy will be provided upon request. At the October 1, 2025, hearing, the Board is authorized to 1) determine that additional water is available for appropriation, 2) determine that no additional water is available for appropriation, or 2) defer action for further

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**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

September 16, 2025

8087-3

Mark & Rebecca Labrie
17275 SD HWY 37
Frankfort SD 57440

Dear Mr. & Ms. Labrie:

I write you today regarding "held" Water Permit Application No. 8087-3, which was submitted in 2015 on behalf of the Julie A Hengen Living Trust. The application requests an appropriation of water in the amount of 2.0 cfs (900 gpm) from a single well, to be completed into the Tulare: East James Aquifer, for irrigation of 144 acres located in the NW ¼ Section 18, T116N, R61W, Spink County, South Dakota.

Based on the 2015 ruling by the South Dakota Water Management Board (Board), that the Tulare: East James Aquifer was fully appropriated, Application No. 8087-3, among others, was placed on hold until such time as a determination was made that water had been found available.

On October 1, 2025, the Board will evaluate the 5-Year Review conducted by Water Rights Program staff to determine whether water has come available, or if applications will continue to be held for an additional 5 years. A "Notice of Hearing" was mailed to all waiting applicants.

In review of all responses not received, it was discovered that the property listed on Application No. 8087-3 had been sold to you. Please review the enclosed "Notice of Hearing" and contact our office within 30 days to identify whether you desire to retain eligibility to appropriate water the Board may determine is available.

Sincerely,

Amanda Dewell
Permitting Administrator
Water Rights Program
605 773-3352
Amanda.Dewell@state.sd.us

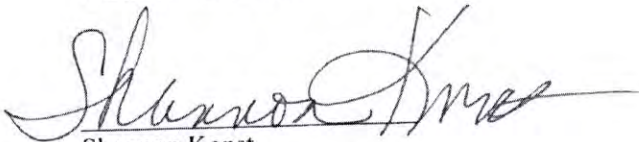
enclosure

CERTIFICATION

The undersigned hereby certifies under the penalty of perjury that a true and correct letter, dated September 16, 2025, and copy of a Notice of Hearing, dated August 17, 2025, regarding the 5-year review of the Tulare: East James Aquifer, was served upon the following by enclosing the same in an envelope and sent via certified United States Mail in Pierre, South Dakota.

8087-3

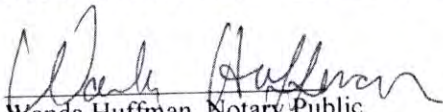
Mark & Rebecca Labrie
17275 SD HWY 37
Frankfort SD 57440



Shannon Konst
Senior Secretary-Water Rights

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 16th day of September, 2025.



Wanda Huffman, Notary Public
My Commission expires July 28, 2028

Wanda Huffman
My Commission Expires
July 28, 2028





**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

September 23, 2025

NOTICE OF POSTPONEMENT OF HEARING

To: Mark and Rebecca Labrie
17275 SD Hwy 37
Frankfort SD 57440

From: *for* Mark Mayer, PE
Acting Chief Engineer

Subject: POSTPONEMENT of Five-Year Review to Determine the Availability of Unappropriated Water in the Tulare: East James Aquifer concerning held Application No(s). 8087-3

The five-year review by the Board scheduled for Wednesday, October 1, 2025, in Pierre SD has been postponed due to the public notice of hearing not getting published in a newspaper. **The hearing will NOT be held on October 1, 2025.**

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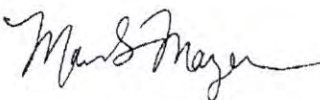
**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

October 8, 2025

NOTICE OF HEARING

To: Mark & Rebecca Labrie
17275 SD Hwy 37
Frankfort SD 57440

From: Mark Mayer, PE 
Acting Chief Engineer

Subject: **Re-Scheduled** Five-Year Review to Determine the Availability of Unappropriated Water in the
Tulare: East James Aquifer concerning held Application No(s). 8087-3

The Water Management Board (Board) previously determined the average annual withdrawal of water from the Tulare: East James Aquifer is equal to the average estimated annual recharge and deemed the aquifer fully appropriated. Pursuant to South Dakota Codified Law (SDCL) 46-2A-7.1, the Board held a hearing for the purpose of accepting applications for potential future appropriations from the aquifer and created a priority list. The hearing was held on May 7, 2015. Fourteen applications were prioritized and held by the Board for possible future action.

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The next five-year review by the Board is scheduled for **9:45 AM (Central Time), on Wednesday, December 3, 2025, at the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Ave, Pierre SD 57501.** You do NOT need to be present at the hearing for your application(s) to retain eligibility.

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**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

August 27, 2025

NOTICE OF HEARING

To: Collins Hutterian Brethren Inc. c/o Joey Wipf
19606 Collins Ave
Iroquois SD 57353

From: Mark Mayer, PE
Acting Chief Engineer *Mark Mayer*

Subject: Five-Year Review to Determine the Availability of Unappropriated Water in the Tulare: East James Aquifer concerning held Application No(s). 8088-3 and 8089-3

Important: Your written response is required within 30 days, notifying the acting Chief Engineer whether you wish for Application No(s). 8088-3 and 8089-3 to retain eligibility for any water that may become available from the aquifer. Failure to provide a written response results in withdrawal of your held application(s). Send response to: Atten. Amanda Dewell, Water Rights Program, 523 E. Capitol Ave., Pierre SD 57501.

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The next five-year review by the Board is scheduled for 10:15 AM (Central Time), on Wednesday, October 1, 2025, at the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Ave, Pierre SD 57501. You do NOT need to be present at the hearing for your application(s) to retain eligibility. However, SDCL 46-2A-7.5 requires any applicant, such as yourself, to notify the Chief Engineer in writing within thirty days of receipt of this notice, whether you desire to retain eligibility to appropriate any water the Board may determine is available. Failure to respond in writing within 30 days constitutes withdrawal of your application(s).

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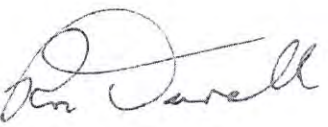
**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

September 23, 2025

NOTICE OF POSTPONEMENT OF HEARING

To: Collins Hutterian Brethren Inc. c/o Joey Wipf
19606 Collins Ave
Iroquois SD 57353

From: Mark Mayer, PE
Acting Chief Engineer 

Subject: POSTPONEMENT of Five-Year Review to Determine the Availability of Unappropriated Water
in the Tulare: East James Aquifer concerning held Application No(s). 8088-3 and 8089-3

The five-year review by the Board scheduled for Wednesday, October 1, 2025, in Pierre SD has been postponed due to the public notice of hearing not getting published in a newspaper. **The hearing will NOT be held on October 1, 2025.**

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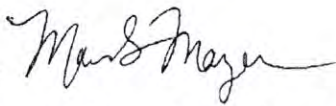
**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

October 8, 2025

NOTICE OF HEARING

To: Collins Hutterian Brethren Inc. c/o Joey Wipf
19606 Collins Ave
Iroquois SD 57353

From: Mark Mayer, PE 
Acting Chief Engineer

Subject: **Re-Scheduled** Five-Year Review to Determine the Availability of Unappropriated Water in the
Tulare: East James Aquifer concerning held Application No(s). 8088-3 and 8089-3

The Water Management Board (Board) previously determined the average annual withdrawal of water from the Tulare: East James Aquifer is equal to the average estimated annual recharge and deemed the aquifer fully appropriated. Pursuant to South Dakota Codified Law (SDCL) 46-2A-7.1, the Board held a hearing for the purpose of accepting applications for potential future appropriations from the aquifer and created a priority list. The hearing was held on May 7, 2015. Fourteen applications were prioritized and held by the Board for possible future action.

Pursuant to SDCL 46-2A-7.5, the Board is required to hold a public hearing reviewing the groundwater source, all permits appropriating water from that source, and all held applications (such as yours) at least once every five years, to determine whether unappropriated water has become available for use. On October 7, 2020, the first five-year review was conducted by the Board. During the review, the Board decided water was not available for appropriation. Included in the fourteen applications, is/are the application(s) submitted by Collins Hutterian Brethren Inc. c/o Joey Wipf: 8088-3 - SW 1/4 Sec 35-T115N-R62W; and 8089-3 - NW 1/4 Sec 2-T114N-R62W.

The next five-year review by the Board is scheduled for **9:45 AM (Central Time), on Wednesday, December 3, 2025, at the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Ave, Pierre SD 57501.** You do NOT need to be present at the hearing for your application(s) to retain eligibility.

A 2025 aquifer status report has been prepared for the Board's consideration. The 2025 aquifer status report and a copy of a public notice to be published concerning the December 3, 2025, hearing will both be available online at <https://danr.sd.gov/OfficeOfWater/WaterRights/aquifer/> or a hard copy will be provided upon request. At the December 3, 2025, hearing, the Board is authorized to 1) determine that additional water is available for appropriation, 2) determine that no additional water is available for appropriation, or 2) defer action for further study. The hearing 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-7.5, the Board has legal authority and jurisdiction to conduct this hearing. After the hearing is conducted by the Board, you will be notified of the Board's decision.

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**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

August 27, 2025

NOTICE OF HEARING

To: LeAnne Bawek
40320 176th St
Doland SD 57436

From: Mark Mayer, PE
Acting Chief Engineer *Mark Mayer*

Subject: Five-Year Review to Determine the Availability of Unappropriated Water in the Tulare: East James Aquifer concerning held Application No(s). 8090-3

Important: Your written response is required within 30 days, notifying the acting Chief Engineer whether you wish for Application No(s). 8090-3 to retain eligibility for any water that may become available from the aquifer. Failure to provide a written response results in withdrawal of your held application(s). Send response to: Atten. Amanda Dewell, Water Rights Program, 523 E. Capitol Ave., Pierre SD 57501.

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**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

September 23, 2025

NOTICE OF POSTPONEMENT OF HEARING

To: LeAnne Bawek
40320 176th St
Doland SD 57436

From: *for* Mark Mayer, PE
Acting Chief Engineer

Subject: POSTPONEMENT of Five-Year Review to Determine the Availability of Unappropriated Water in the Tulare: East James Aquifer concerning held Application No(s). 8090-3

The five-year review by the Board scheduled for Wednesday, October 1, 2025, in Pierre SD has been postponed due to the public notice of hearing not getting published in a newspaper. **The hearing will NOT be held on October 1, 2025.**

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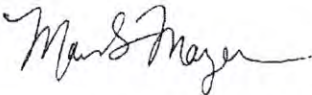
**DEPARTMENT of AGRICULTURE
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October 8, 2025

NOTICE OF HEARING

To: LeAnne Bawek
40320 176th St
Doland SD 57436

From: Mark Mayer, PE 
Acting Chief Engineer

Subject: **Re-Scheduled** Five-Year Review to Determine the Availability of Unappropriated Water in the
Tulare: East James Aquifer concerning held Application No(s). 8090-3

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**DEPARTMENT of AGRICULTURE
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PIERRE SD 57501-3182
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August 27, 2025

NOTICE OF HEARING

To: Glendale Colony, c/o John Kleinsasser
17866 Glendale Dr
Frankfort SD 57440

From: Mark Mayer, PE
Acting Chief Engineer *Mark Mayer*

Subject: Five-Year Review to Determine the Availability of Unappropriated Water in the Tulare: East James Aquifer concerning held Application No(s). 8112-3 and 8113-3

Important: Your written response is required within 30 days, notifying the acting Chief Engineer whether you wish for Application No(s). 8112-3 and 8113-3 to retain eligibility for any water that may become available from the aquifer. Failure to provide a written response results in withdrawal of your held application(s). Send response to: Atten. Amanda Dewell, Water Rights Program, 523 E. Capitol Ave., Pierre SD 57501.

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**DEPARTMENT of AGRICULTURE
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PIERRE SD 57501-3182
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September 23, 2025

NOTICE OF POSTPONEMENT OF HEARING

To: Glendale Colony, c/o John Kleinsasser
17866 Glendale Dr
Frankfort SD 57440

From: *for* Mark Mayer, PE
Acting Chief Engineer

Subject: POSTPONEMENT of Five-Year Review to Determine the Availability of Unappropriated Water
in the Tulare: East James Aquifer concerning held Application No(s). 8112-3 and 8113-3

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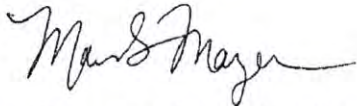
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October 8, 2025

NOTICE OF HEARING

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17866 Glendale Dr
Frankfort SD 57440

From: Mark Mayer, PE
Acting Chief Engineer 

Subject: **Re-Scheduled** Five-Year Review to Determine the Availability of Unappropriated Water in the
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**DEPARTMENT of AGRICULTURE
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JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
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August 27, 2025

NOTICE OF HEARING

To: Camrose Colony, c/o Jerry Kleinsasser
16950 400th St
Frankfort SD 57440

From: Mark Mayer, PE
Acting Chief Engineer

Subject: Five-Year Review to Determine the Availability of Unappropriated Water in the Tulare: East James Aquifer concerning held Application No(s). 8114-3, 8115-3, 8116-3 and 8117-3

Important: Your written response is required within 30 days, notifying the acting Chief Engineer whether you wish for Application No(s). 8114-3, 8115-3, 8116-3 and 8117-3 to retain eligibility for any water that may become available from the aquifer. Failure to provide a written response results in withdrawal of your held application(s). Send response to: Atten. Amanda Dewell, Water Rights Program, 523 E. Capitol Ave., Pierre SD 57501.

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September 23, 2025

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Acting Chief Engineer

Subject: POSTPONEMENT of Five-Year Review to Determine the Availability of Unappropriated Water in the Tulare: East James Aquifer concerning held Application No(s). 8114-3, 8115-3, 8116-3 and 8117-3

The five-year review by the Board scheduled for Wednesday, October 1, 2025, in Pierre SD has been postponed due to the public notice of hearing not getting published in a newspaper. **The hearing will NOT be held on October 1, 2025.**

The hearing will be rescheduled for the December meeting of the Water Management Board which is tentatively scheduled for December 3 and 4, 2025. Future notice will be provided of the exact time and place of hearing which will likely be in Pierre.

We apologize for any inconvenience this may cause. If you have any questions, please contact Amanda Dewell (Amanda.Dewell@state.sd.us) or Ron Duvall (Ron.Duvall@state.sd.us), Water Rights Program at (605) 773-3352.



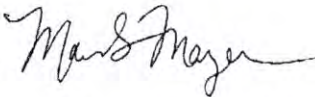
**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

October 8, 2025

NOTICE OF HEARING

To: Camrose Colony, c/o Joel Kleinsasser
16950 400th St
Frankfort SD 57440

From: Mark Mayer, PE 
Acting Chief Engineer

Subject: **Re-Scheduled** Five-Year Review to Determine the Availability of Unappropriated Water in the
Tulare: East James Aquifer concerning held Application No(s). 8114-3, 8115-3, 8116-3 and
8117-3

The Water Management Board (Board) previously determined the average annual withdrawal of water from the Tulare: East James Aquifer is equal to the average estimated annual recharge and deemed the aquifer fully appropriated. Pursuant to South Dakota Codified Law (SDCL) 46-2A-7.1, the Board held a hearing for the purpose of accepting applications for potential future appropriations from the aquifer and created a priority list. The hearing was held on May 7, 2015. Fourteen applications were prioritized and held by the Board for possible future action.

Pursuant to SDCL 46-2A-7.5, the Board is required to hold a public hearing reviewing the groundwater source, all permits appropriating water from that source, and all held applications (such as yours) at least once every five years, to determine whether unappropriated water has become available for use. On October 7, 2020, the first five-year review was conducted by the Board. During the review, the Board decided water was not available for appropriation. Included in the fourteen applications, is/are the application(s) submitted by Camrose Colony, c/o Jerry Kleinsasser: 8114-3 - NE 1/4 Sec 15-T116N-R62W; 8115-3 - NW 1/4 Sec 7-T117N-R61W; 8116-3 - SE 1/4 Sec 24-T117N-R62W; and 8117-3 - SW 1/4 Sec 14-T116N-R62W.

The next five-year review by the Board is scheduled for **9:45 AM (Central Time), on Wednesday, December 3, 2025, at the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Ave, Pierre SD 57501.** You do NOT need to be present at the hearing for your application(s) to retain eligibility.

A 2025 aquifer status report has been prepared for the Board's consideration. The 2025 aquifer status report and a copy of a public notice to be published concerning the December 3, 2025, hearing will both be available online at <https://danr.sd.gov/OfficeOfWater/WaterRights/aquifer/> or a hard copy will be provided upon request. At the December 3, 2025, hearing, the Board is authorized to 1) determine that additional water is available for appropriation, 2) determine that no additional water is available for appropriation, or 2) defer action for further study. The hearing 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-7.5, the Board has legal authority and jurisdiction to conduct this hearing. After the hearing is conducted by the Board, you will be notified of the Board's decision.

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.

Questions regarding the hearing process, or a copy of the report and public notice, may be directed to Amanda Dewell (Amanda.Dewell@state.sd.us) or Ron Duvall (Ron.Duvall@state.sd.us), Water Rights Program at (605) 773-3352.



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

August 27, 2025

NOTICE OF HEARING

To: Danny & Danette Peterson
38984 189th St
Hitchcock SD 57348

From: Mark Mayer, PE
Acting Chief Engineer *Mark Mayer*

Subject: Five-Year Review to Determine the Availability of Unappropriated Water in the Tulare: East James Aquifer concerning held Application No(s). 8119-3

Important: Your written response is required within 30 days, notifying the acting Chief Engineer whether you wish for Application No(s). 8119-3 to retain eligibility for any water that may become available from the aquifer. Failure to provide a written response results in withdrawal of your held application(s). Send response to: Atten. Amanda Dewell, Water Rights Program, 523 E. Capitol Ave., Pierre SD 57501.

The Water Management Board (Board) previously determined the average annual withdrawal of water from the Tulare: East James Aquifer is equal to the average estimated annual recharge and deemed the aquifer fully appropriated. Pursuant to South Dakota Codified Law (SDCL) 46-2A-7.1, the Board held a hearing for the purpose of accepting applications for potential future appropriations from the aquifer and created a priority list. The hearing was held on May 7, 2015. Fourteen applications were prioritized and held by the Board for possible future action.

Pursuant to SDCL 46-2A-7.5, the Board is required to hold a public hearing reviewing the groundwater source, all permits appropriating water from that source, and all held applications (such as yours) at least once every five years, to determine whether unappropriated water has become available for use. On October 7, 2020, the first five-year review was conducted by the Board. During the review, the Board decided water was not available for appropriation. Included in the fourteen applications, is/are the application(s) submitted by Danny & Danette Peterson: 8119-3 - NE 1/4 Sec 7-T115N-R61W.

The next five-year review by the Board is scheduled for 10:15 AM (Central Time), on Wednesday, October 1, 2025, at the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Ave, Pierre SD 57501. You do NOT need to be present at the hearing for your application(s) to retain eligibility. However, SDCL 46-2A-7.5 requires any applicant, such as yourself, to notify the Chief Engineer in writing within thirty days of receipt of this notice, whether you desire to retain eligibility to appropriate any water the Board may determine is available. Failure to respond in writing within 30 days constitutes withdrawal of your application(s).

A 2025 aquifer status report has been prepared for the Board's consideration. The 2025 aquifer status report and a copy of a public notice to be published concerning the October 1, 2025, hearing are both available online at <https://danr.sd.gov/OfficeOfWater/WaterRights/aquifer/> or a hard copy will be provided upon request. At the October 1, 2025, hearing, the Board is authorized to 1) determine that additional water is available for appropriation, 2) determine that no additional water is available for appropriation, or 2) defer action for further

study. The hearing 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-7.5, the Board has legal authority and jurisdiction to conduct this hearing. After the hearing is conducted by the Board, you will be notified of the Board's decision.

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.

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**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

September 23, 2025

NOTICE OF POSTPONEMENT OF HEARING

To: Danny & Danette Peterson
38984 189th St
Hitchcock SD 57348

From: *for* Mark Mayer, PE
Acting Chief Engineer

Subject: POSTPONEMENT of Five-Year Review to Determine the Availability of Unappropriated Water in the Tulare: East James Aquifer concerning held Application No(s). 8119-3

The five-year review by the Board scheduled for Wednesday, October 1, 2025, in Pierre SD has been postponed due to the public notice of hearing not getting published in a newspaper. **The hearing will NOT be held on October 1, 2025.**

The hearing will be rescheduled for the December meeting of the Water Management Board which is tentatively scheduled for December 3 and 4, 2025. Future notice will be provided of the exact time and place of hearing which will likely be in Pierre.

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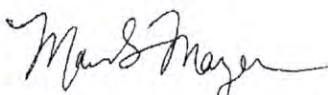
**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

October 8, 2025

NOTICE OF HEARING

To: Danny & Danette Peterson
38984 189th St
Hitchcock SD 57348

From: Mark Mayer, PE 
Acting Chief Engineer

Subject: **Re-Scheduled** Five-Year Review to Determine the Availability of Unappropriated Water in the
Tulare: East James Aquifer concerning held Application No(s). 8119-3

The Water Management Board (Board) previously determined the average annual withdrawal of water from the Tulare: East James Aquifer is equal to the average estimated annual recharge and deemed the aquifer fully appropriated. Pursuant to South Dakota Codified Law (SDCL) 46-2A-7.1, the Board held a hearing for the purpose of accepting applications for potential future appropriations from the aquifer and created a priority list. The hearing was held on May 7, 2015. Fourteen applications were prioritized and held by the Board for possible future action.

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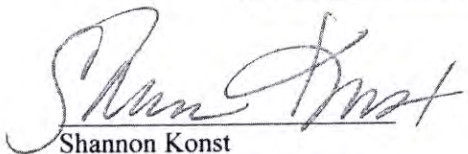
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CERTIFICATION

The undersigned hereby certifies under the penalty of perjury that a true and correct copy of a **Notice of Hearing** dated August 27, 2025, regarding a Five-Year Review of the **Tulare: East James Aquifer** was served upon the following applicants by enclosing the same in an envelope and sent via certified United States mail on August 27, 2025.

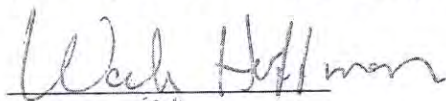
8082-3 Larry R Lambert PO Box 1805 Wenatchee WA 98807	8112-3 and 8113-3 Glendale Colony c/o John Kleinsasser 17866 Glendale Dr Frankfort SD 57440
8086-3 Gordie Hofer 40058 185th St Frankfort SD 57440	8114-3, 8115-3, 8116-3 and 8117-3 Camrose Colony c/o Jerry Kleinsasser 16950 400th St Frankfort SD 57440
8087-3 Julie A Hengen Living Trust c/o Rick Gullickson 22219 480th Ave Flandreau SD 57028	8119-3 Danny & Danette Peterson 38984 189th St Hitchcock SD 57348
8088-3 and 8089-3 Collins Hutterian Brethren Inc c/o Joey Wipf 19606 Collins Ave Iroquois SD 57353	8140-3 Ronald Starr 40283 US Hwy 212 Doland SD 57436
8090-3 LeAnne Bawek 40320 176th St Doland SD 57436	



Shannon Konst
Senior Secretary-Water Rights

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 27th day of August, 2025.



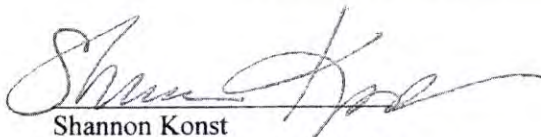
Wanda Huffman
My Commission Expires
July 28, 2028



CERTIFICATION

The undersigned hereby certifies under the penalty of perjury that a true and correct copy of a **Notice of Postponement of Hearing** dated September 23, 2025, regarding a Five-Year Review of the **Tulare: East James Aquifer** was served upon the following applicants by enclosing the same in an envelope and sent via United States mail on September 23, 2025.

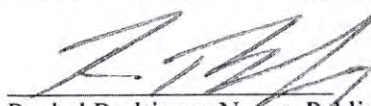
8082-3 Larry R Lambert PO Box 1805 Wenatchee WA 98807	8112-3 and 8113-3 Glendale Colony c/o John Kleinsasser 17866 Glendale Dr Frankfort SD 57440
8086-3 Gordie Hofer 40058 185th St Frankfort SD 57440	8114-3, 8115-3, 8116-3 and 8117-3 Camrose Colony c/o Jerry Kleinsasser 16950 400th St Frankfort SD 57440
8087-3 Mark and Rebecca Labrie 17275 SD Hwy 37 Frankfort SD 57440	8119-3 Danny & Danette Peterson 38984 189th St Hitchcock SD 57348
8088-3 and 8089-3 Collins Hutterian Brethren Inc c/o Joey Wipf 19606 Collins Ave Iroquois SD 57353	8140-3 Ronald Starr 40283 US Hwy 212 Doland SD 57436
8090-3 LeAnne Bawek 40320 176th St Doland SD 57436	



Shannon Konst
Senior Secretary-Water Rights

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 23rd day of Sept, 2025.


Rachel Rodriguez Notary Public
My Commission expires May 16, 2029



CERTIFICATION

The undersigned hereby certifies under the penalty of perjury that a true and correct **Notice of Hearing** dated October 8, 2025, regarding the re-scheduled Five-Year Review of the **Tulare: East James Aquifer** was served upon the following applicants by enclosing the same in an envelope and sent via United States mail on October 8, 2025.

8082-3 Larry R Lambert PO Box 1805 Wenatchee WA 98807	8112-3 and 8113-3 Glendale Colony c/o John Kleinsasser 17866 Glendale Dr Frankfort SD 57440
8086-3 Gordie Hofer 40058 185th St Frankfort SD 57440	8114-3, 8115-3, 8116-3 and 8117-3 Camrose Colony c/o Joel Kleinsasser 16950 400th St Frankfort SD 57440
8087-3 Mark and Rebecca Labrie 17275 SD Hwy 37 Frankfort SD 57440	8119-3 Danny & Danette Peterson 38984 189th St Hitchcock SD 57348
8088-3 and 8089-3 Collins Hutterian Brethren Inc c/o Joey Wipf 19606 Collins Ave Iroquois SD 57353	8140-3 Ronald Starr 40283 US Hwy 212 Doland SD 57436
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Shannon Konst

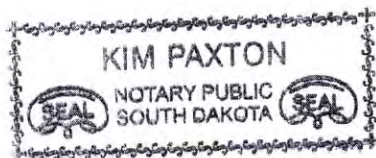
Shannon Konst
Senior Secretary-Water Rights

STATE OF SOUTH DAKOTA)
COUNTY OF HUGHES) SS

Sworn to, before me, this 8th day of October, 2025.

K. Patel

Kim Paxton
My Commission Expires
November 18, 2026



LOCALiQ

Aberdeen News
Watertown Public Opinion

PO Box 630567 Cincinnati, OH 45263-0567

AFFIDAVIT OF PUBLICATION

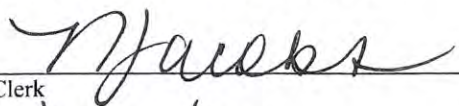
WATER RIGHTS PROGRAM
Dept Of Environ & Nat Resource
Water Rights Program
523 E Capitol Joe Foss Bldg
Pierre SD 57501

STATE OF SOUTH DAKOTA, COUNTY OF BROWN

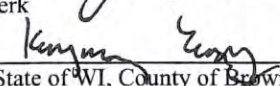
The AMERICAN NEWS is a daily newspaper of general circulation, printed and published in Aberdeen, Brown County, South Dakota, and has been such a newspaper during the times hereinafter mentioned; and personal knowledge of the facts herein state that the notice hereto annexed was Published in said newspapers in the issue dated:

10/23/2025

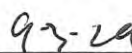
That said newspaper is a legal newspaper published five days or more each week; with a bona fide circulation of more than two hundred copies daily; published in the English language within the said county of Brown for more than one year prior to the first publication of said notice; and printed in whole in an office maintained at the place of publication of said newspaper.
Sworn to and subscribed before on 10/23/2025



Legal Clerk



Notary, State of WI, County of Brown



My commission expires

Publication Cost: \$38.90

Tax Amount: \$0.00

Payment Cost: \$38.90

Order No: 11760852

of Copies:

Customer No: 1248802

1

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THIS IS NOT AN INVOICE!

Please do not use this form for payment remittance.

KONGMENG YANG
Notary Public
State of Wisconsin

**Notice of Hearing
Regarding Five-Year
Review to Determine the
Availability of
Unappropriated Water in
the Tulare: East James
Aquifer**

The Water Management Board (Board) previously determined that the average annual withdrawal of water from the Tulare: East James Aquifer is equal to the average estimated annual recharge and deemed the aquifer fully appropriated. A map showing the approximate boundary of the aquifer; this public notice; and a report prepared for the Board to review is available online at <https://danr.sd.gov/OfficeOfWater/WaterRights/aquifer/>.

Pursuant to statute, the Board held a hearing for the purpose of accepting applications for potential future appropriations from the aquifer and creating a priority list. That hearing was held on May 7, 2015. Fourteen applications were prioritized by the Board and are being held for possible future action. Pursuant to SDCL 46-2A-7.5, the Board is required to hold a public hearing reviewing the groundwater source, all permits appropriating water from that source, and all held applications at least once every five years to determine whether unappropriated water has become available for use. A five-year review is scheduled for 9:45 AM (Central Time), on Wednesday, December 3, 2025, at the Floyd Matthew Training Center, Joe Foss Building, 523 E. Capitol Avenue, Pierre SD. The Board is authorized to 1) determine that additional water is available for appropriation, 2) determine that no additional water is available for appropriation, or 3) defer action for further study. The hearing 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-7.5, the Board has legal authority and jurisdiction to conduct this hearing. The hearing may be listened to at <https://www.sd.net> or, to participate remotely, visit the SD Boards and Commissions Portal and search for Water Management Board.

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Published once at the total approximate cost of \$38.90 and may be viewed free of charge at www.sdpublicnotices.com.

Proof Of Publication

Huron Plainsman
49 3rd Street SE
Huron, SD 57350
605-353-7402
Legal Notice Number: 3309

I, Shelly Ames, being duly sworn on oath say that the Plainsman is a daily paper published at Huron, Beadle County South Dakota, and that said newspaper has a bona fide circulation of at least 250 copies daily; that said newspaper has been published within said county for fifty-two consecutive weeks immediately prior to this date, that said newspaper is printed in whole or in part, in an office maintained at said place of publication; that I am a Legal Advertising SD – DANR – Tulare: East James Aquifer published for one day, in said newspaper and not in any supplement of the said newspaper, the publication was on 10/22/2025. The full amount of the fee charged for publishing \$32.22 is to the benefit of the publisher of said newspaper; that no agreement or understanding of the division thereof has been made with any other person, and that no part thereof has been agreed to be paid to any person whomever.

Shelly Ames

Subscribed and sworn to me before this date 10-23-25

[Signature]

Notary Public, South Dakota

My Term Expires 04/26/2028



RECEIVED

OCT 23 2025

Water Rights
Program

ing may be listened to at <https://www.sd.net> or, to participate remotely, visit the SD Boards and Commissions Portal and search for Water Management Board.

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No. 3309 (adv.)

Published once at the total approximate cost of \$32.22 and may be viewed free of charge at www.sdpublicnotices.com.

F. P. 10-22-25

**Notice of Hearing
Regarding Five-Year
Review to Determine
the Availability of
Unappropriated
Water in the Tulare:
East James Aquifer**

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RECEIVED

OCT 23 2025

Water Rights
Program

Affidavit of Publication

STATE OF SOUTH DAKOTA,
County of Spink: ss.

Notice of Hearing

#8006

Notice of Hearing Regarding Five-Year Review to Determine the Availability of Unappropriated Water in the Tulare: East James Aquifer

The Water Management Board (Board) previously determined that the average annual withdrawal of water from the Tulare: East James Aquifer is equal to the average estimated annual recharge and deemed the aquifer fully appropriated. A map showing the approximate boundary of the aquifer; this public notice; and a report prepared for the Board to review is available online at <https://danr.sd.gov/OfficeOfWater/WaterRights/aquifer/>.

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Questions regarding the hearing may be directed to Amanda Dewell (Amanda.Dewell@state.sd.us) or Ron Duvall (Ron.Duvall@state.sd.us), Water Rights Program at (605) 773-3352.

Published one time at the total approximate cost of \$27.29 and may be viewed free of charge at www.sdpublicnotices.com. (Oct. 22)

I, Cindy Crook, being duly sworn on oath, say that THE REDFIELD PRESS is a weekly newspaper as defined in Sec. 65.0508 South Dakota Code 1939, as amended by Chapter 298 of the Session of Laws of 1939, printed and published in the English language in the City of Redfield, in said County and State, by THE REDFIELD PRESS. I, Cindy Crook, am Legal Advertising Coordinator of said newspaper and know the facts herein state. The annexed notice headed:

#8006 NOTICE OF HEARING

was printed and published in said newspaper in 1 issue, to wit: The first publication being made on October 22nd, That Twenty-Seven and 29/100 dollars insures to the benefit of the publisher of THE REDFIELD PRESS, 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.

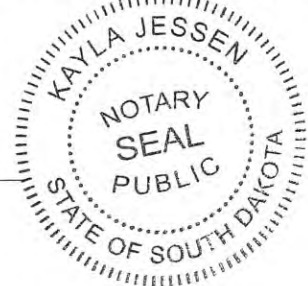
Cindy Crook

Subscribed and sworn to before me this 22nd, day of October, 2025

Kayla Jessen

Notary Public, South Dakota

My commission expires 09/26/2030





423 S. MAIN ST. | ABERDEEN, SD 57401
(605) 226-3481 | ABERDEENINSIDER.COM

Proof of Publication

This is not an invoice.

DANR-SD Water Rights Program
Rachel Rodriguez
523 E. Capitol Ave
Pierre, SD 57501
Ph: (605) 773-4063

RECEIVED

OCT 23 2025

Water Rights
Program

The **Aberdeen Insider** is a weekly newspaper of general circulation, posted online, printed, and published in Aberdeen, Brown County, South Dakota since January 25, 2023. This is an acknowledgement that the attached/included public notice was included in the printed edition(s) of the **Aberdeen Insider**:

October 23, 2025 – DANR SD Water Rights Program - Notice of Hearing 5-Year Review Western Spink Hitchcock
(109 lines @.289 each)

I, Troy McQuillen (Owner and Publisher), under oath, do swear that I am the publisher of the **Aberdeen Insider**, and that the **Aberdeen Insider** is a local newspaper as described in South Dakota codified laws and maintains a paid print circulation of over 2,500 weekly.

Total Cost: \$31.50

Publisher:

Notary

Sworn to and subscribed before on **October 23, 2025**

Notary, State of SD, County of Brown

My Commission Expires: 8/25/2031



This is not an invoice.

LEGALS

Continued from Page 7C

REIMBURSEMENT 50.00
BERGAN SHANNON 2025-2026 TUTION 100.00 BOWDEN THERESA 2025-2026 TUTION 300.00 BREIDENBACH MADELINE VOLLEYBALL OFFICIAL 150.00 BROWN JAMES 2025-2026 TUTION 300.00 BROWNELL EUGENE CROSS COUNTRY MEET WORKER 75.00 BROWNELL JULIE CROSS COUNTRY MEET WORKER 75.00 BRUST SARAH 2025-2026 TUTION 285.00 CARLSON HANNAH 2025-2026 TUTION 300.00 CARLSON JOSHUA 2025-2026 TUTION 100.00 CASTELLANOS OLIVIA SOCCER OFFICIAL 100.00 CHRISTENSON BRADLEY 2025-2026 TUTION 200.00 CONKLIN BRITANY 2025-2026 TUTION 45.00 DEGROO BROCK FOOTBALL OFFICIAL 190.00 EILTS BAHAMONDE DIMKA 2025-2026 TUTION 300.00 FELIZ MERCEDES UNIFORM ALLOWANCE 63.50 FLAKUS JAKE 2025-2026 TUTION 300.00 FOX JUSTIN 2025-2026 TUTION 300.00 GANNETT SOUTH DAKOTA LOCALIQ SUBSCRIPTION RENOVAL 207.35 GAUGER CAMERON ACCOMPANIST 50.00 GROSS JENNY 2025-2026 TUTION 300.00 GUFFIN DR BECKY REIMBURSEMENT 574.57 HANSEN KATHARINE 2025-2026 TUTION 300.00 HANSEN KENT FOOTBALL OFFICIAL 190.00 HEGGE SAMANTHA DEBATE JUDGE 60.00 HELMS KELLY 2025-2026 TUTION 40.00 HELWIG PARKER SOCCER OFFICIAL 212.00 JOHNSON KEITH UNIFORM ALLOWANCE 63.50 JONDAHL TANNER DONALD FOOTBALL OFFICIAL 90.00 JONES MARTIN DEBATE JUDGE 60.00 KERR 2025-2026 TUTION 200.00 KOST DIANE CROSS COUNTRY MEET WORKER 75.00 LANG GAYLON CROSS COUNTRY MEET WORKER 75.00 LEFERS MATTHEW SOCCER OFFICIAL 281.62 LEIDHOLT ERIN VOLLEYBALL OFFICIAL 160.00 LETZE MIRANDA 2025-2026 TUTION 300.00 LUTZ DOUG SOCCER OFFICIAL 155.00 MAYER SCOTT UNIFORM ALLOWANCE 175.00 MCQUILLEN VALERIE VOLLEYBALL RENEWAL 95.00 MCQUILLEN TERRA 2025-2026 TUTION 300.00 MENKEN JORDAN VOLLEYBALL LINE JUDGE 160.00 METTLER TARYN SOCCER OFFICIAL 50.00 NASH CRYSTAL 2025-2026 TUTION 160.00 NEER CASSIDY VOLLEYBALL OFFICIAL 390.00 NELSON MARK VOLLEYBALL OFFICIAL 192.00 NORBERG BRENT FOOTBALL OFFICIAL 100.00 NORTHERN STATE UNIVERSITY NSU CHORAL DUTY 144.00 NYGAARD CALVIN VOLLEYBALL OFFICIAL 330.00 OPP MICHAEL W SOCCER OFFICIAL 130.00 ROOK KEVIN FOOTBALL OFFICIAL 100.00 ROSE JOSH SOCCER OFFICIAL 125.00 RYAN KATLYN DEBATE JUDGE 75.00 SADLER KAREN REIMBURSEMENT 369.91 SAHLI JEFFREY SOCCER OFFICIAL 140.00 SAMSON ANGEL 2025-2026 TUTION 200.00 SANNES RYAN FOOTBALL OFFICIAL 100.00 SCHRIVER LISA CROSS COUNTRY MEET WORKER 195.00 SD STATE HISTORICAL SOCIETY INSTRUCTIONAL SUPPLIES 35.00 SIEBRASSE NICOLE 2025-2026 TUTION 300.00 SPEER TODD UNIFORM ALLOWANCE 63.71 STADEL RYLIE 2025-2026 TUTION 45.00 SUNAHARA DONNA VOLLEYBALL OFFICIAL 550.52 SWENSON MICHAEL 2025-2026 TUTION 205.00 THOMPSON AMY VOLLEYBALL OFFICIAL 120.00 THOMPSON KENNADY VOLLEYBALL OFFICIAL 360.00 WALKS TABITHA VOLLEYBALL OFFICIAL 60.00 WEED KIM VOLLEYBALL OFFICIAL 537.93 WEISMANTEL MARTY FOOTBALL OFFICIAL 117.51 WENBOURNE KERRY VOLLEYBALL OFFICIAL 110.00 WILLIAMS CHARLOTTE DEBATE JUDGE 60.00 WOLLMAN BREANNA

DEBATE JUDGE 75.00 YANKTON BAND BOOSTERS REGISTRATION FEE 250.00
FUND TOTAL: 14,451.24
SPECIAL EDUCATION FUND BOHL HAYDEN REIMBURSEMENT 31.88 BURCKHARD KRISTI REIMBURSEMENT 190.00 KJER ELLIOTT MILEAGE REIMBURSEMENT 536.00 NEHLICH ANNA REIMBURSEMENT 49.95 UNZEN MEGAN AUG-SEPT 2025 MILEAGE 23.52
FUND TOTAL: 791.35 FOOD SERVICE FUND PISTULKA JANET UNIFORM ALLOWANCE 200.00 FUND TOTAL: 200.00
CHECKING ACCOUNT TOTAL: 15,442.59 GENERAL FUND JONES MARTIN DEBATE JUDGE 60.00
FUND TOTAL: 60.00 CHECKING ACCOUNT TOTAL: 60.00 GENERAL FUND ABERLE SPENCER SOCCER OFFICIAL 155.00 ARECHIGO JAKE CROSS COUNTRY OFFICIAL 125.00 BACHMEIER RACHEL VOLLEYBALL LINE JUDGE 50.00 BAIN SUSANNE MILEAGE REIMBURSEMENT 538.00 BECK BO CROSS COUNTRY OFFICIAL 125.00 BOOKLIST BO OKLIST SUBSCRIPTION 184.95 BRAUN LINDSEY MS VOLLEYBALL OFFICIAL 110.00 CARDA TOBY REIMBURSEMENT 55.48 DAKOTA COUNTRY MAGAZINE MAGAZINE SUBSCRIPTION 25.00 DEGROO BROCK MS FOOTBALL OFFICIAL 190.00 DOHRER EMMA VOLLEYBALL OFFICIAL 60.00 ENGLEKING BRADYEN SOCCER OFFICIAL 100.00 FLAKUS JAKE MS FOOTBALL OFFICIAL 190.00 GRAND FORKS PUBLIC SCHOOLS ENTRY FEE 300.00 HANSEN KENT FOOTBALL OFFICIAL 90.00 HEGGE SAMANTHA DEBATE JUDGE 75.00 HERMANSEN TARYN VOLLEYBALL OFFICIAL 60.00 JONDAHL TANNER DONALD FOOTBALL OFFICIAL 90.00 JOSTENS DIPLOMAS 40.15 KIESZ WYATT MS CHAIN GANG 14.00 KUSLER MEGAN VOLLEYBALL OFFICIAL LINE 150.00 LEIDHOLT ERIN VOLLEYBALL LINE JUDGE 50.00 LUTZ DOUG SOCCER OFFICIAL 130.00 MENKEN JORDAN VOLLEYBALL OFFICIAL LINE 150.00 MIDSTATES PRINTING INC MEDALS 288.90 MORRIS VALERIE VOLLEYBALL CLOCK OPERATOR 60.00 NEER CASSIDY MS VOLLEYBALL OFFICIAL 60.00 NORBERG BRENT MS FOOTBALL OFFICIAL 100.00 NORTHEAST AREA PRINCIPALS MEMBERSHIP REGISTRATION 120.00 NSU SCIENCE FAIR SCIENCE FAIR REGISTRATION 150.00 NYGAARD CALVIN MS VOLLEYBALL OFFICIAL 180.00 OPP MICHAEL W SOCCER OFFICIAL 120.00 PEDERSON GANNON MS CHAIN GANG 28.00 PEDERSON MS CHAIN GANG 14.00 ROLLING HILLS GOLF CLUB CLOTHING 591.09 ROOK KEVIN MS FOOTBALL OFFICIAL 100.00 ROSE JOSH SOCCER OFFICIAL 130.00 RYAN KATLYN DEBATE JUDGE 75.00 SADLER KAREN MS VOLLEYBALL OFFICIAL 60.00 SAHLI JEFFREY FOOTBALL OFFICIAL 210.00 SANNES RYAN MS FOOTBALL OFFICIAL 190.00 SCULLAR BLAIR SOCCER OFFICIAL 155.00 SEILER DAWN AUG-SEPT 2025 MILEAGE 14.94 SOUNDERA ADRIANA DEBATE JUDGE 75.00 SWAG SHOPPE THE CLOTHING 300.00 TENNANT ARIC MS CHAIN GANG 28.00 THOMPSON AMY MS VOLLEYBALL OFFICIAL 110.00 THOMPSON GREGG VOLLEYBALL OFFICIAL 351.52 THOMPSON KENNADY MS VOLLEYBALL OFFICIAL 360.00 VANCLERHOLLY VOLLEYBALL OFFICIAL 100.00 WALKS TABITHA MS VOLLEYBALL OFFICIAL 60.00 WENBOURNE KERRY VOLLEYBALL OFFICIAL 180.00 WILLIAMS CHARLOTTE DEBATE JUDGE 75.00 WOLLMAN BREANNA DEBATE JUDGE 75.00 YANKTON SCHOOL DISTRICT REGISTRATION FEE 250.00
FUND TOTAL: 7,466.93 CAPITAL OUTLAY FUND LIGHTHOUSE ELECTRIC

REPAIRS & MAINTENANCE 196.93
FUND TOTAL: 196.93
SPECIAL EDUCATION FUND JONES MENDY REIMBURSEMENT 208.40 TEPAMY REIMBURSEMENT 18.88
FUND TOTAL: 227.28
FOOD SERVICE FUND MOORE CAROL LUNCHEON REIMBURSEMENT 58.05
FUND TOTAL: 58.05 CHECKING ACCOUNT TOTAL: 7,949.19 GENERAL FUND PEDERSON DAWSON MS CHAIN GANG 14.00
FUND TOTAL: 14.00 CHECKING ACCOUNT TOTAL: 14.00 GENERAL FUND ABERLE SPENCER SOCCER OFFICIAL 290.00 AGUIRRE MADISON REGISTRATION REIMBURSEMENT 50.00 ANDERSON MARK REIMBURSEMENT 85.53 BACHMEIER RACHEL VOLLEYBALL LINE JUDGE 50.00 BRAUN LINSEY VOLLEYBALL LINE JUDGE 50.00 BREIDENBACH MADELINE VOLLEYBALL OFFICIAL 120.00 BURCHFIELD CHARLIE SOCCER OFFICIAL 120.00 DEGROO BROCK MS FOOTBALL OFFICIAL 190.00 DOHRER EMMA VOLLEYBALL LINE JUDGE 50.00 DUFFY TERRY VOLLEYBALL OFFICIAL 252.44 ENGLEKING BRADYEN SOCCER OFFICIAL 100.00 FLAKUS JAKE FOOTBALL OFFICIAL 190.00 FLIEHS KALLI REIMBURSEMENT 150.00 FORD LINDA UNIFORM ALLOWANCE 175.00 GUFFIN DR BECKY REIMBURSEMENT 544.83 HANLEY KAELENN DEBATE JUDGE 75.00 HANSEN KENT FOOTBALL OFFICIAL 90.00 HELWIG PARKER SOCCER OFFICIAL 428.00 HERMANSEN TARYN VOLLEYBALL LINE JUDGE 50.00 HOWARD LUCIUS CASEY FOOTBALL OFFICIAL 150.00 JIMMY JOHNS FOOD 201.38 JONDAHL TANNER DONALD FOOTBALL OFFICIAL 90.00 KUSLER MEGAN VOLLEYBALL OFFICIAL LINE 150.00 LEIDHOLT ERIN VOLLEYBALL LINE JUDGE 100.00 LORENZ DAREN FOOTBALL OFFICIAL 150.00 MARCO INC COPIER MAINTENANCE 112.26 MCGHEE JORDAN MS CHAIN GANG 28.00 MEDILL TEEGAN MS CHAIN GANG 28.00 MENKEN JORDAN VOLLEYBALL LINE JUDGE 130.00 MOENCH JORDON FOOTBALL OFFICIAL 150.00 NAING NANG DEBATE JUDGE 75.00 NORBERG BRENT MS FOOTBALL OFFICIAL 100.00 NORTHEAST AREA PRINCIPALS MEMBERSHIP FEE 120.00 NORTHWESTERN MUSIC FESTIVAL FESTIVAL REGISTRATION 132.00 NYGAARD CALVIN VOLLEYBALL OFFICIAL LINE 300.00 PEDERSON DAWSON MS CHAIN GANG 28.00 PITZ DUSTIN FOOTBALL OFFICIAL 186.95 ROCK KEVIN MS FOOTBALL OFFICIAL 100.00 ROSE JOSH SOCCER OFFICIAL 120.00 RYAN KATLYN DEBATE JUDGE 75.00 SAHLI JEFFREY FOOTBALL OFFICIAL 215.00 SANNES RYAN MS FOOTBALL OFFICIAL 100.00 SCHAFFER RANDY UNIFORM ALLOWANCE 162.04 SCHRIVER LISA VOLLEYBALL OFFICIAL 120.00 SCULLAR BLAIR SOCCER OFFICIAL 155.00 SEILER DAWN MILEAGE REIMBURSEMENT 194.30 SUNAHARA DONNA VOLLEYBALL LINE 208.28 TREFZ NICOLE AUG-SEPT 2025 MILEAGE 74.37 UTTERMARK ROBERT MILEAGE REIMBURSEMENT 139.36 WEISMANTEL MARTY FOOTBALL OFFICIAL 117.51 WENBOURNE KERRY VOLLEYBALL OFFICIAL 240.00 WOLLMAN BREANNA DEBATE JUDGE 75.00
FUND TOTAL: 7,495.06 CAPITAL OUTLAY FUND MARCO INC COPIER MAINTENANCE 193.55
FUND TOTAL: 193.55 SPECIAL EDUCATION FUND NASH CRYSTAL REIMBURSEMENT 25.13
FUND TOTAL: 25.13 FOOD SERVICE FUND BARTON KERRISSA REIMBURSEMENT 134.95 LUEDTKE KALEY UNIFORM ALLOWANCE 200.00 SWANSON NANCY UNIFORM ALLOWANCE 95.57 TRADEMARK UNIFORMS UNIFORM ALLOWANCE

57.98
FUND TOTAL: 488.50
CHECKING ACCOUNT TOTAL: 8,202.24 CUSTODIAL FUNDS ABERDEEN SCHOOL DISTRICT REIMBURSEMENT 9,496.78 ASKE MERLE SOCCER CAMP WORKER 400.00 BELLEFEUILLE ALEXANDER SOCCER WORKER 475.00 BSN SPORTS LLC ATHLETIC SUPPLIES 1,250.11 HANLEY KENDRA SOCCER CAMP WORKER 709.00 KEN'S SUPERFAIR FOODS CONCESSIONS 4,336.57 MENARDS OFFICE SUPPLIES 117.60 MIDSTATES PRINTING INC CLOTHING 763.30
FUND TOTAL: 17,548.36
CHECKING ACCOUNT TOTAL: 17,548.36 CUSTODIAL FUNDS APPL SUSAN REIMBURSEMENT 112.94 BOBCAT BACKERS TEAM MEAL 240.00 MIDSTATES PRINTING INC CLOTHING 493.75 MURLEY GREGORY REIMBURSEMENT 243.24 ROSTAD MELLEDY SIMMONS SINGERS AUDITION 60.00 SWAG SHOPPE THE CINCH BAGS 360.00
FUND TOTAL: 1,509.93
CHECKING ACCOUNT TOTAL: 1,509.93 CUSTODIAL FUNDS ABERDEEN AREA HUMANE SOCIETY DONATION 1,061.45 ABERDEEN SCHOOL DISTRICT REIMBURSEMENT 2,939.64 ALBRECHT CHELSEY CAMP WORKER 175.00 BINDENAGER JACQUELINE CAMP WORKER 225.00 SPORTS LLC CLOTHING 1,527.04 COCA COLA BOTTLING CO HIGH COUNTRY CONCESSIONS 3,367.50 DALY STEPHANIE CAMP WORKER 225.00 HETTINGER ROSS 2025 HOMECOMING ROYALTIES 250.00 KEN'S SUPERFAIR FOODS CONCESSIONS 3,769.90 MURLEY COLLEEN REIMBURSEMENT 42.68 NEER CASSIDY REIMBURSEMENT 33.90 NICHOLSON KAYLLA CAMP WORKER 175.00 NORMAN JESSICA REIMBURSEMENT 154.97 ROSTAD MELLEDY REIMBURSEMENT 78.13 SIMMONS ELEMENTARY PTA FUNDRAISER REIMBURSEMENT 1,559.59 STOLP MYAH CAMP WORKER 175.00
FUND TOTAL: 15,759.80 CHECKING ACCOUNT TOTAL: 15,759.80
SEPTEMBER 2025 PAYROLL GENERAL FUND \$1,434,508.95 OF WHICH \$875,918.36 INSTRUCTION \$484,537.93 SUPPORT
AND \$72,575.71 CURRICULAR SPECIAL EDUCATION \$490,863.50 FOOD SERVICE \$37,181.81 TOTAL PAYROLL \$1,862,354.30
Published once on October 23, 2025, at the total approximate cost of \$239.20 and may be viewed free of charge at www.sdpublishonline.com and www.aberdeensinsider.com

STATE OF SOUTH DAKOTA COUNTY OF BROWN IN CIRCUIT COURT FIFTH JUDICIAL CIRCUIT CIV: 06CIV25-615 IN THE MATTER OF THE PETITION OF: Amanda Marie Keefe (Current Name)

FOR A CHANGE OF NAME TO:

Amanda Marie Wilson (Proposed Name)

NOTICE OF HEARING FOR ADULT NAME CHANGE

NOTICE IS HEREBY GIVEN that a Verified Petition for Adult Name Change has been filed by Amanda Marie Keefe the object and prayer of which is to change Petitioner's name from Amanda Marie Wilson. On the 26th day of November, 2025, at the hour of 9:00 am said verified petition will be heard by this Court before the Honorable Richard Sommers Presiding, at the Court Room in 3rd floor County Courthouse, City of Aberdeen, Brown County, South Dakota, or as soon thereafter as is convenient to the Court. Any person who comes and appear at that time and place and show reasons, if any, why said name should not be changed as requested. Dated this 10 day of October, 2025, at Aberdeen, South Dakota.

Published to run four weeks, on October 23, October 30, November 6, and November 13, 2025, at the total approximate cost of \$49.10 and may be viewed free of charge at www.sdpublishonline.com and www.aberdeensinsider.com

DNR SD WATER RIGHTS PROGRAM

NOTICE OF HEARING REGARDING FIVE-YEAR REVIEW TO DETERMINE THE AVAILABILITY OF UNAPPROPRIATED WATER

IN THE TULARE: WESTERN SPINK HITCHCOCK AQUIFER
The Water Management Board (Board) previously determined that the average annual withdrawal of water from the Tulare: Western Spink Hitchcock Aquifer is equal to the average estimated annual recharge and deemed the aquifer fully appropriated. A map showing the approximate boundary of the aquifer, this public notice, and a report prepared for the Board to review is available online at <https://danr.sd.gov/OfficeOfWater/WaterRights/aquifer/>.

Pursuant to statute, the Board held a hearing for the purpose of accepting applications for potential future appropriations from the aquifer and creating a priority list. That hearing was held on May 7, 2015. Twenty-eight applications were prioritized by the Board and were being held for possible future action. One application was withdrawn during a five-year review in October 2020 leaving twenty-seven held applications.

Pursuant to SDCL 46-2A-7, the Board is required to hold a public hearing reviewing the groundwater source, all permits appropriating water from that source, and all held applications at least once every five years to determine whether unappropriated water has become available for use. A five-year review is scheduled for 9:45 AM (Central Time), on Wednesday, December 3, 2025, at the Floyd Matthews Training Center, Joe Foss Building, 523 E. Capitol Avenue, Pierre SD. The Board is authorized to 1) determine that additional water is available for appropriation, 2) determine that no additional water is available for appropriation, or 3) defer action for further study. The hearing 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-7.5, the Board has legal authority and jurisdiction to conduct this hearing. The hearing may be listened to at <https://www.sd.net> or to participate remotely, visit the SD Boards and Commissions Portal and search for Water Management Board.

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.

Questions regarding the hearing may be directed to Amanda Dewell (Amanda.Dewell@state.sd.us) or Ron Duval (Ron.Duval@state.sd.us), Water Rights Program at (605) 773-3352. Published once on October 23, 2025, at the total approximate cost of \$31.50 and may be viewed free of charge at www.sdpublishonline.com and www.aberdeensinsider.com

DNR SD WATER RIGHTS PROGRAM

NOTICE OF HEARING REGARDING FIVE-YEAR REVIEW TO DETERMINE THE AVAILABILITY OF UNAPPROPRIATED WATER

IN THE TULARE: EAST JAMES AQUIFER

The Water Management Board (Board) previously determined that the average annual withdrawal of water from the Tulare: East James Aquifer is equal to the average estimated annual recharge and deemed the aquifer fully appropriated. A map showing the approximate boundary of the aquifer, this public notice, and a report prepared for the Board to review is available online at <https://danr.sd.gov/OfficeOfWater/WaterRights/aquifer/>.

Pursuant to statute, the Board held a hearing for the purpose of accepting applications for potential future appropriations from the aquifer and creating a priority list. That hearing was held on May 7, 2015. Fourteen applications were prioritized by the Board and are being held for possible future action.

Pursuant to SDCL 46-2A-7.5, the Board is required to hold a public hearing reviewing the groundwater source, all permits appropriating water from that source, and all held applications at least once every five years to determine whether unappropriated water has become available for use. A five-year review is scheduled for 9:45 AM (Central Time), on Wednesday, December 3, 2025, at the Floyd Matthews Training Center, Joe Foss Building, 523 E. Capitol Avenue, Pierre SD. The Board is authorized to 1) determine that additional water is available for appropriation, 2) determine that no additional water is available for appropriation, or 3) defer action for further study. The hearing 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-7.5, the Board has legal authority and jurisdiction to conduct this hearing. The hearing may be listened to at <https://www.sd.net> or to participate remotely, visit the SD Boards and Commissions Portal and search for Water Management Board.

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QUINT CITY TRADES & LABOR BUILDING ASSOCIATION, INC

NOTICE OF DISSOLUTION PURSUANT TO SDCL 47-1A-1407

The public is hereby notified that QUINT CITY TRADES & LABOR BUILDING ASSOCIATION, INC., a South Dakota not-for-profit corporation (the "Company"), has ceased business and operations and was voluntarily dissolved by action of its members on October 2, 2025, and such dissolution was certified by the Secretary of State on October 14, 2025. Any person or entity having claims against the Company to be submitted, his, her, or its claim against the Company to the following: Cutler Law Firm, LLP Attn: Nichole J. Mohring, 140 N Phillips Ave, 4th Floor PO Box 1400 Sioux Falls, SD 57101-1400 in order for a claim to be considered, it See LEGALS on Page 5D

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OCT 23 2025
Water Rights Program

**Report to the Chief Engineer on
Water Permit Application Nos. 8721-3 and 8722-3
Huron Hutterian Brethren, Inc. (HBI)
25 July 2023**

Water Permit Application No. 8721-3 proposes to appropriate 5.35 cubic feet of water per second (cfs), approximately equivalent to 2,400 gallons per minute (gpm) to irrigate 480 acres in the E $\frac{1}{2}$ and SW $\frac{1}{4}$ Section 19 from three wells to be completed into the Niobrara aquifer in the approximate centers of the NE $\frac{1}{4}$, the SE $\frac{1}{4}$, and the SW $\frac{1}{4}$ Section 19; all in T113N-R61W, 5th Principal Meridian.

Water Permit Application No. 8722-3 proposes to appropriate 5.35 cfs to irrigate 480 acres in the W $\frac{1}{2}$ and SE $\frac{1}{4}$ Section 20 from three wells to be completed into the Niobrara aquifer in the approximate centers of the NW $\frac{1}{4}$, the SW $\frac{1}{4}$, and the SE $\frac{1}{4}$ Section 20; all in T113N-R61W, 5th Principal Meridian.

Both of these applications are located in Beadle County approximately 15 miles north of Huron and 10 miles east of Hitchcock, South Dakota.

Aquifer: Niobrara (NBRR)

Hydrogeologic Characteristics

The Niobrara aquifer is composed of the permeable and saturated portions of the upper-Cretaceous-aged Niobrara Formation. The Niobrara Formation is a "white to dark-gray argillaceous chalk, marl, and shale [1]" underlying most of South Dakota. Productivity in the Niobrara aquifer is mainly from secondary porosity features such as fractures, faults, and solution cavities [2]. Therefore, its characteristics range greatly from location to location, and it is typically more productive in areas where weathering to the formation has occurred. The Niobrara Formation underlies approximately 29,054 square miles (18,594,560 acres) in South Dakota east of the Missouri River, including all 1,249 square miles (799,360 acres) of Beadle County [2]. Some areas of the Niobrara Formation are separated from the main body of the formation by erosional channels. This application is located in the main body. The main body of the Niobrara Formation underlies approximately 27,500 square miles (17,600,000 acres) in South Dakota east of the Missouri River, including all of Beadle County [3]. The Niobrara Formation underlies the Cretaceous-aged Pierre Shale and the Quaternary-aged glacial deposits including the Tulare aquifer [4]. The Niobrara Formation directly overlies the Cretaceous-aged Carlile Shale.

The Niobrara aquifer exists within the permeable portions of the Niobrara Formation that are sufficiently saturated to deliver useful quantities of water. Howells and Stephens [4] indicate that in Beadle County, the Niobrara aquifer and the Codell Sandstone member of the Carlile Shale are connected enough that they treat them as one aquifer. However, the Water Rights Program and Water Management Board treat those two aquifer materials as separately managed aquifers. In Beadle County, the Niobrara aquifer generally yields "soft, saline" water [4]. The Niobrara aquifer is under confined conditions in most of South Dakota except where it crops out along the Missouri River and around the Black Hills [1]. The Niobrara aquifer directly underlies

the East James management unit of the Tulare aquifer at the locations these applications propose to place wells [5]. The Water Management Board has determined that the Tulare: East James aquifer management unit is fully appropriated. For the most part, there is approximately 15 to 30 feet of till in the bedrock valley separating the Niobrara formation and the Tulare aquifer near these applications. However, there are also likely some areas where the Tulare aquifer has direct contact with the Niobrara formation. A South Dakota Geological Survey (SDGS) lithologic log located in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 20 T113N-R61W indicates sand is present directly above the Niobrara formation [6]. Lithologic logs located in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 17 and NW $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 21 all in T113-R61W indicate the till above the Niobrara formation in that area is very sandy and pebbly [6]. Therefore, the two aquifers are likely to have some degree of hydrological connection in the bedrock valley area, which will depend on the localized characteristics of the clay till. Given that the Niobrara aquifer is highly variable from location to location, it is possible that the Niobrara aquifer in the area of this application has better hydraulic connection to the management units within the Tulare aquifer overlying it than other distant parts of the Niobrara aquifer in Beadle County.

The applicant submitted the same well completion report for a test well completed in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 17 T113N-R61W completed on November 14, 2022 with both applications, shown in Figure 1. The driller reported encountering top soil from 0 to 1 foot below grade, yellow clay from 1 to 20 feet, blue clay from 20 to 115 feet, shale from 115 to 138 feet, and chalk from 138 to 173 feet. The screen was set from 133 to 173 feet, and the static water level at the time of completion was 28 feet below grade, which means the hydraulic head in the aquifer lifts water 110 feet above the formation. This test well is not in the same location as these applications, as shown in Figure 1, so connection between the Niobrara aquifer and Tulare aquifer is not shown in the test well submitted by the applicant.

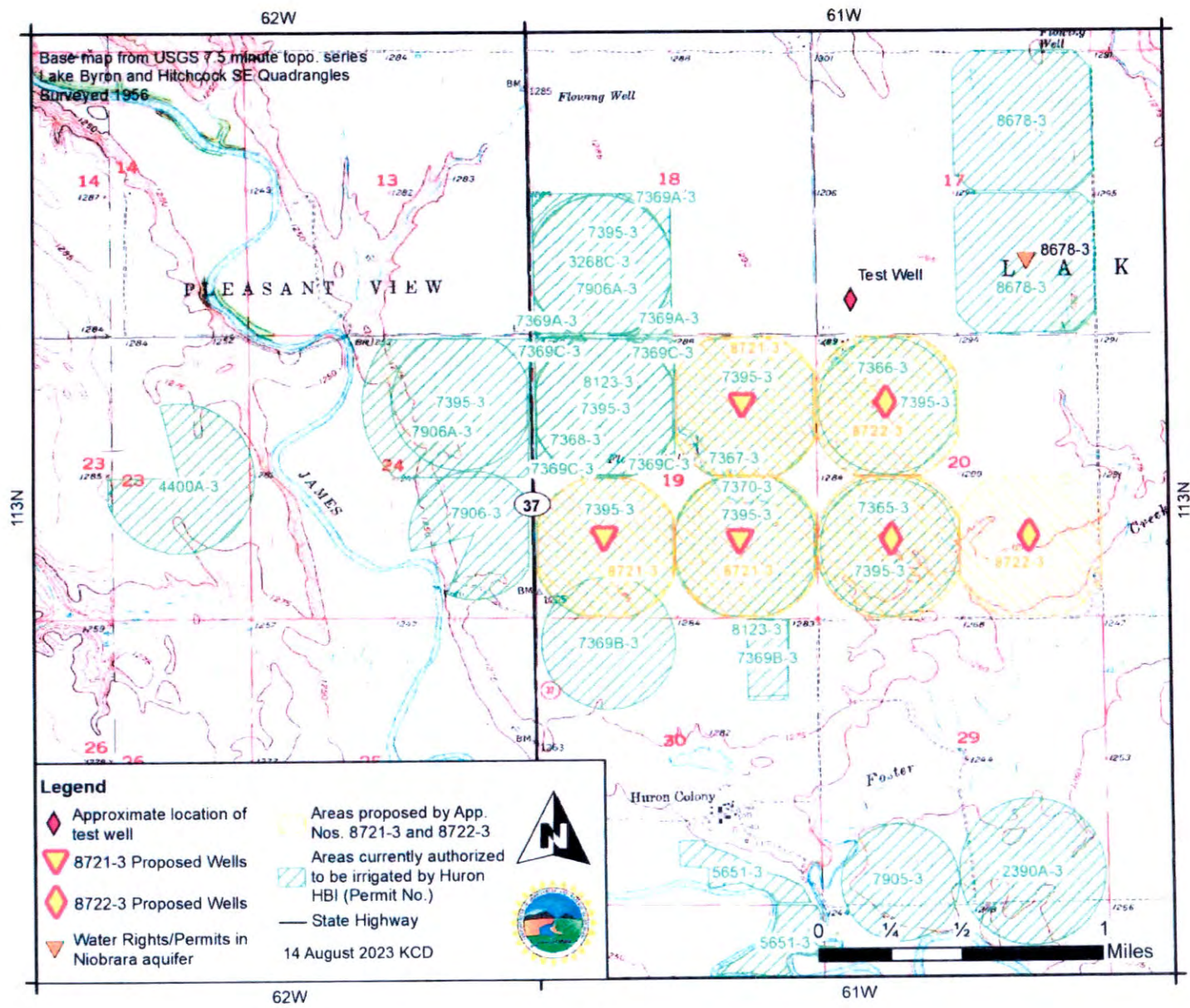


Figure 1: The fields authorized for irrigation by water rights/permits held by Huron HBI and proposed to be irrigated by Application Nos. 8721-3 and 8722-3 [6]

Applicable South Dakota Codified Law (SDCL)

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

Pursuant to SDCL 46-6-3.1, 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 the water to the groundwater source. An exception allows water distribution systems to withdraw from groundwater sources older or stratigraphically lower than the Greenhorn Formation regardless of the results of a hydrologic budget. The applicant is not a water distribution system as defined in SDCL 46-1-6(17) and the Niobrara aquifer is younger and stratigraphically higher than the Greenhorn Formation. Therefore, the Water Management Board must find that recharge to the aquifer exceeds withdrawals to approve this application.

Pursuant to SDCL 46-5-6, the volume of water diverted for irrigation "may not exceed two acre-feet per acre" annually, without an exception granted by the Water Management Board. Five of the six fields proposed to be irrigated under these applications are also permitted to be irrigated by other water right permits from other water sources. If these applications are approved, a qualification should be included that the total amount of water applied to the fields should not exceed two acre-feet per acre, regardless of the source of water.

Availability of Water

Hydrologic Budget

Recharge to the Main Body

Recharge to the Niobrara aquifer likely occurs by inflow from aquifers in contact with the Niobrara when the hydraulic head is higher in the other aquifers than in the Niobrara aquifer. No estimate of the recharge to the Niobrara aquifer is available due to the extreme variability of aquifer characteristics across South Dakota. Observation well water levels in the Niobrara aquifer indicate that recharge exceeds withdrawals in the aquifer [7].

Discharge from the Main Body

Discharge from the Niobrara aquifer is likely by groundwater outflow to aquifers in contact with the Niobrara aquifer when the hydraulic head in the Niobrara aquifer is higher than that of the other aquifers and by withdrawals from domestic and appropriative wells [4]. There are 31 water rights/permits appropriating water from the main body of the Niobrara aquifer [8] [3]. Of those, 12 are for irrigation, seven are for commercial use, six for municipal use, four for institutional use, and one each for industrial use and fish and wildlife propagation.

The average irrigation reported in the main body of the Niobrara aquifer over the period of record from 1979 through 2022 is 373 acre-feet per year (ac-ft/yr) [9]. There is one irrigation

permit, No. 8678-3, which is too new to have reported any irrigation. That permit is estimated to apply 10 inches of water per acre over its 300 acres, for an estimated annual withdrawal of 250 ac-ft/yr. Figure 2 shows the irrigation reported in the main body of the Niobrara aquifer over that period of record [9]. Of the non-irrigation water rights/permits, Water Right Nos. 4278-3, 4121A-3, 4264A-3, and 4264B-3 are held by municipalities that purchase their water from another water distribution system [10] [11], so are assumed to withdraw a negligible amount of water for the hydrologic budget. There are two non-irrigation water rights/permits required to report their annual withdrawal but are still developing their permits. Those permits are assumed to withdraw the maximum volume limit listed on their permit, for a combined withdrawal of 227 ac-ft/yr. The remaining 13 non-irrigation water rights/permits are assumed to withdraw at their maximum licensed or permitted diversion rate 60% of the time, for an estimated combined average annual withdrawal rate of 705 ac-ft/yr.

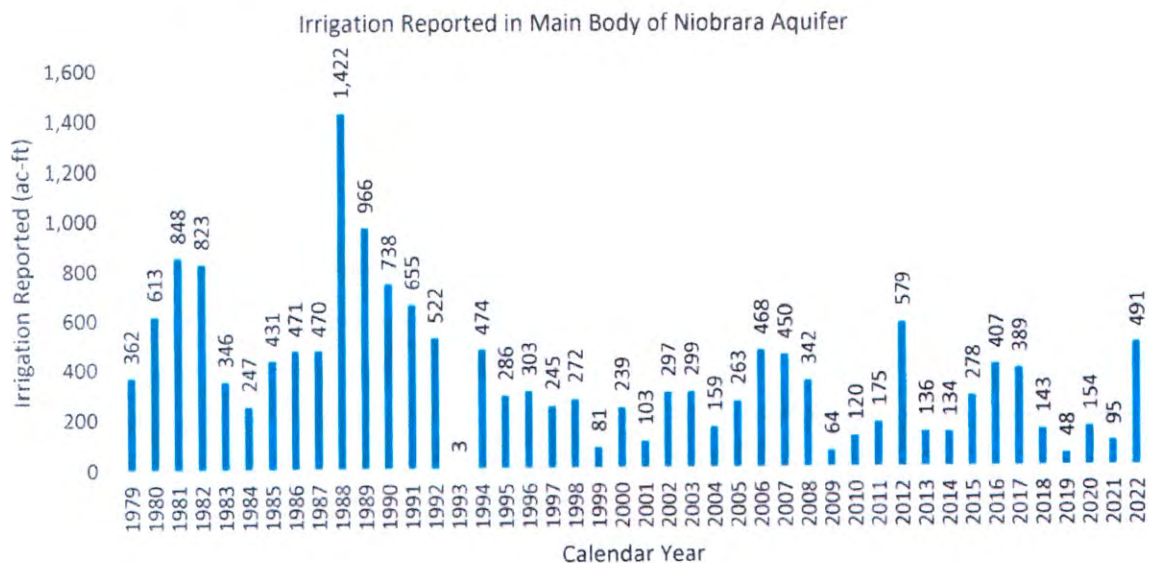


Figure 2: Irrigation reported in the main body of the Niobrara aquifer [6]

Summary of Hydrologic Budget of the Main Body

There is no estimate available for the recharge to the Niobrara aquifer due to its highly variable aquifer characteristics. The estimated average annual withdrawal from the main body of the Niobrara aquifer is 1,555 ac-ft/yr. If these applications are approved, they could withdraw up to 1,920 ac-ft/yr, although they are likely to use less. Using the same estimation method as for Water Permit No. 8678-3, these applications are estimated to have a combined average annual withdrawal of 800 ac-ft/yr assuming no water is used from other sources. Including the estimated average withdrawal for this application, the 2,355 ac-ft/yr of estimated withdrawals divides across the main body of the Niobrara aquifer to require 0.0016 inches of water per acre per year for recharge to exceed withdrawals. Therefore, based on the hydrologic budget, there is reasonable probability unappropriated water is available for this application.

Table 1: Summary of estimated withdrawals from the main body of the Niobrara aquifer

Report on Water Permit App. Nos. 8721-3 and 8722-3

Type	Number	Est. Withdrawal (ac-ft/yr)
Irrigation, reporting	11	373
Irrigation, too new to report	1	250
Non-irrigation, Standby	4	0
Non-irrigation, Volume	2	227
Non-irrigation, Sixty percent	13	705
Total	31	1,555

Beadle County Hydrologic Budget

Because the Niobrara aquifer has highly variable aquifer characteristics, it is appropriate to consider a more localized hydrologic budget. Lacking distinctive hydrogeological boundaries smaller than the extent of the main body of the aquifer, a hydrologic budget concerning only the area of Beadle County is considered. There are four water rights/permits authorized to withdraw from the Niobrara aquifer in Beadle County. One is a city which purchases its water from another system [11]. Using the same methods as in the hydrologic budget for the main body of the Niobrara aquifer, the other two are estimated to withdraw a combined total of 57 ac-ft/yr. Water Permit No. 8678-3, which is an irrigation permit too new to report withdrawals, is also authorized to withdraw from the Niobrara aquifer in Beadle County and is estimated to withdraw 250 ac-ft/yr on average. The total estimated average withdrawal of 307 ac-ft/yr plus the estimated average withdrawal from these applications (800 ac-ft/yr) creates an estimated withdrawal of 1,107 ac-ft/yr. Dividing the 1,107 ac-ft/yr over the 799,360 acres of Niobrara aquifer in Beadle County, the required recharge to exceed withdrawals is 0.02 inches per acre per year.

Observation Wells

Administrative Rule of South Dakota 74:02:05:07 requires that the Water Management Board rely upon the record of observation wells, in addition to other information, to determine the availability of unappropriated water. The Water Rights Program maintains 59 observation wells completed into the Niobrara aquifer, 38 of which are completed into the main body of the aquifer [7] [3]. The nearest observation well completed into the Niobrara aquifer to this application is BD-2023A, located approximately 0.8 miles northeast of the centroid of the wells proposed by Application No. 8722-3 and approximately 1.5 miles east-northeast of the centroid of the wells proposed by Application No. 8721-3. SP-77D is located approximately 20 miles northwest of the proposed wells for these applications [7]. Figure 3 shows the location of the proposed wells for these applications with respect to observation wells near these applications [7]. Figure 4 shows water levels in Observation Wells SP-77D and BD-2023A [7]. Water levels in observation wells completed into the main body of the Niobrara aquifer all have stable or increasing trends. Observation Well SP-77D is representative of the general behavior of the Niobrara aquifer, although at the distance from the proposed well site, it does not reflect changes that would be specific to the area of this application. In general water levels rise during periods of higher-than-average precipitation and decline during periods of lower-than-average precipitation. Observation Well BD-2023A is likely to represent conditions in the Niobrara aquifer near this application, but it has a short period of record. Given that there is likely to be a hydrologic

connection between the Niobrara aquifer and the overlying Tulare aquifer in the area of this application, water levels in Tulare and Niobrara aquifer observation wells are shown in Figure 5 for the period of record from January 1, 2022, through the end of July of 2023. The hydraulic head in the East James management unit of the Tulare aquifer is higher than the hydraulic head of the Niobrara aquifer, indicating water may flow from the East James management unit to the Niobrara aquifer, although the exact amount of flow cannot be determined with the information available. The fluctuation due to natural influences indicates water is naturally discharged from the Niobrara aquifer. The Water Management Board historically has considered natural discharge to be available for capture. However, the inconsistent transmissivity of the Niobrara aquifer and presence of overlying Tulare aquifer means that if a significant decrease in hydraulic head in the Niobrara aquifer occurs in the area of these applications, it could induce flow from the Tulare aquifer. Since the Tulare: East James aquifer is fully appropriated, such an induction could be considered a withdrawal from the fully appropriated aquifer. This may create an artificial discharge of water from the Tulare aquifer which is a fully appropriated aquifer.

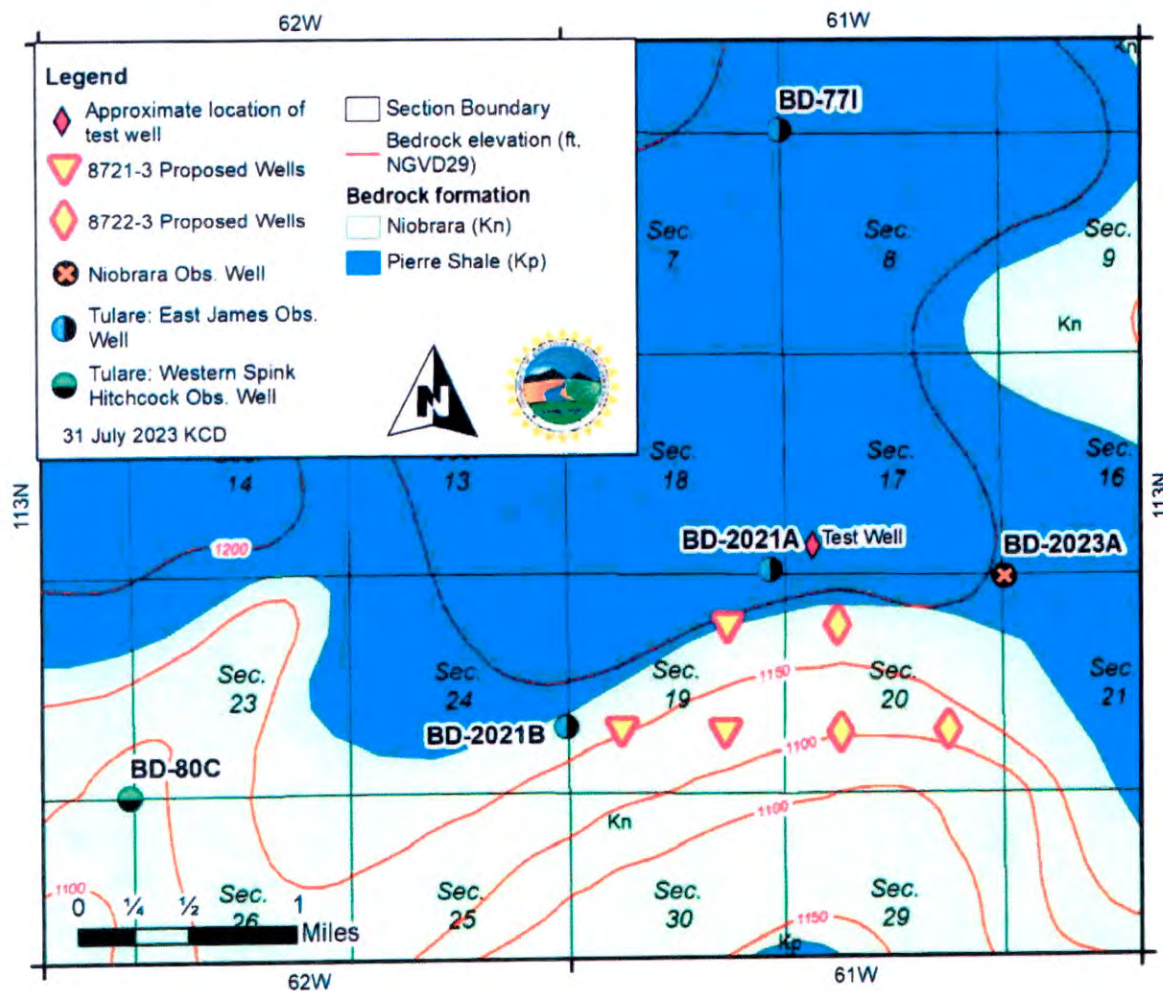


Figure 3: Map of observation wells near these applications and uppermost bedrock formations underlying the project area. [5] [7]

Report on Water Permit App. Nos. 8721-3 and 8722-3

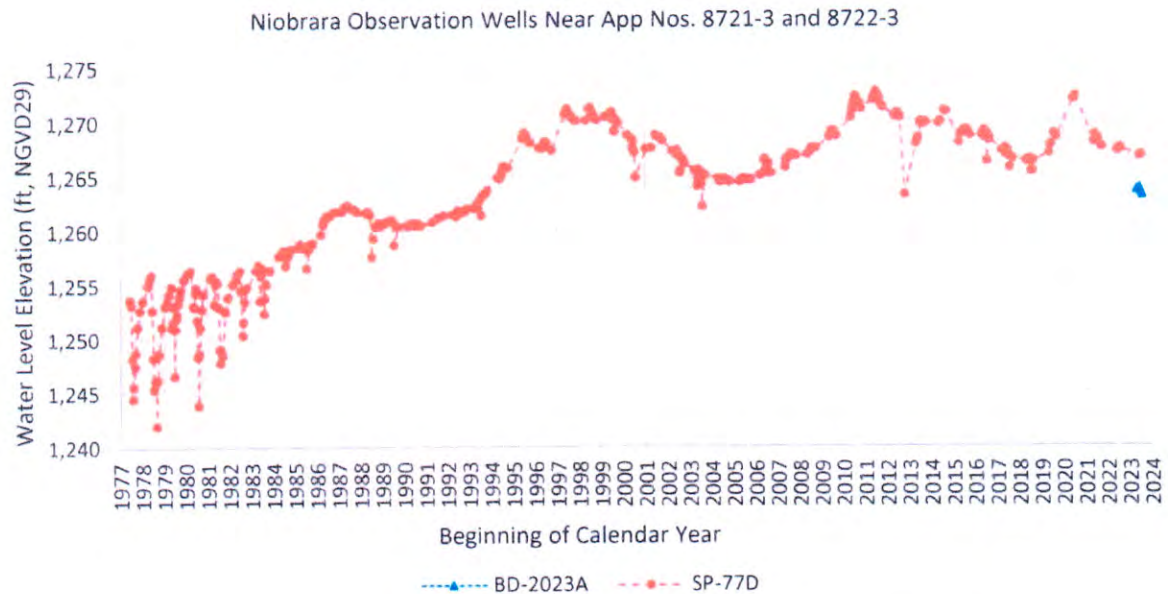


Figure 4: Water level elevations in Observation Wells BD-2023A and SP-77D [7]

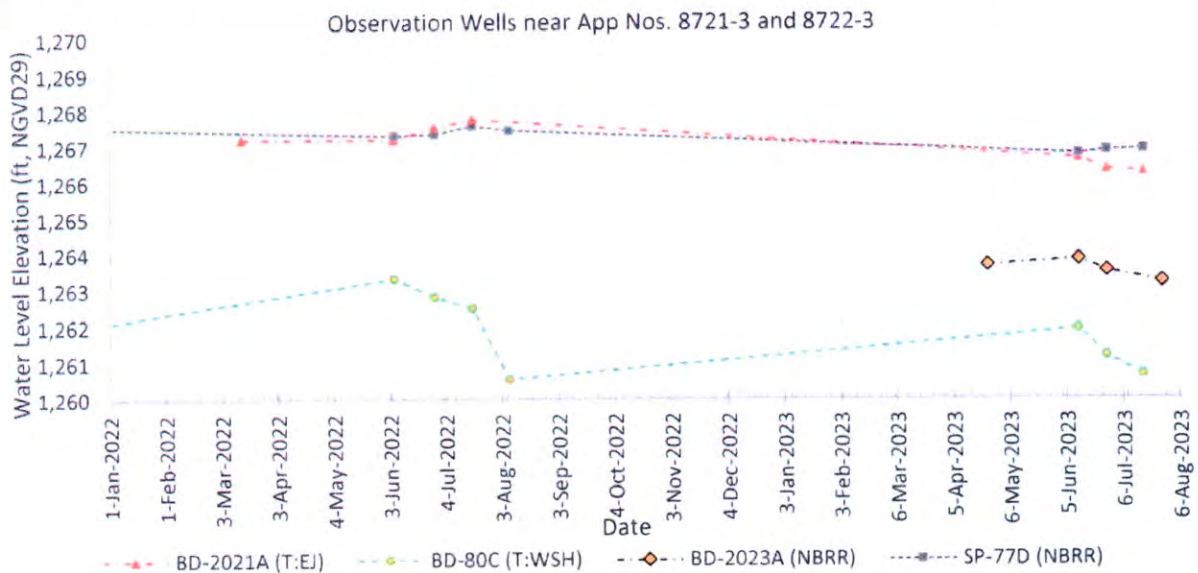


Figure 5: Water level elevations in observation wells from various aquifers near this application from 2022 to the latest measurement in 2023. (T:EJ – Tulare: East James, T:WSH – Tulare: Western Spink Hitchcock, NBRR – Niobrara) [7]

Possibility of Unlawful Impairment of Existing Water Rights

The nearest water right/permit to this application that is completed into the Niobrara aquifer and not held by the applicant is Water Right No. 5757-3, located approximately 14 miles south of the proposed wells for these applications [8]. The applicant also holds Water Permit No. 8678-3, located approximately 1 mile northeast of Application No. 8722-3 and approximately 2 miles

northeast of Application No. 8721-3. The nearest domestic well on file with the Water Rights Program that is likely to be completed into the Niobrara aquifer and not owned by the applicant is located approximately 1.5 miles southeast of the nearest proposed well for Application No. 8722-3 and approximately 2.5 miles east of the nearest proposed well for Application No. 8721-3 based on the legal description provided by the well driller [12]. The Water Rights Program has historically interpreted an unlawful impairment of existing water rights to occur if a junior water right/permit causes a nearby adequate well with a senior water right/permit to become unable to withdraw at the rate it is entitled to or, if a domestic well is impacted, a water right/permit causes an adequate domestic well to be unable to withdraw at the rate needed to supply reasonable domestic use of water. Administrative Rule of South Dakota (ARSD) 74:02:04:20(6) defines an adequate well as:

...a well constructed or rehabilitated to allow various withdrawal methods to be used, to allow the inlet to the pump to be placed not less than 20 feet into the saturated aquifer or formation material when the well is constructed, or to allow the pump to be placed as near to the bottom of the aquifer as is practical if the aquifer thickness is less than 20 feet

If this application is approved, some drawdown in the aquifer will occur in the proximity of the pumping wells. The hydraulic head in the aquifer lifts water 110 feet above the formation. There are no complaints concerning unlawful impairment of existing water rights in the Niobrara aquifer in Beadle County [13]. If this application is approved, the applicant should control their withdrawals so that an unlawful impairment of adequate wells does not occur. Based on the distance of the proposed well to the nearest domestic well, presence of 110 feet of hydraulic head, and lack of relevant complaints on file in Beadle County, there is reasonable probability this application can be developed without unlawful impairment of existing water rights within the Niobrara aquifer.

Special Consideration – Induction of Water from a Fully Appropriated Management Unit

As discussed in the Observation Well and Hydrogeologic Characteristics sections, these applications underly the fully appropriated Tulare aquifer. Hydrogeologic conditions in the vicinity of the proposed well sites are such that pumping under these applications are likely to induce inflow from the Tulare: East James aquifer. Inducing inflow from a fully appropriated aquifer may be a beneficial use and public interest consideration to be made by the Water Management Board beyond the technical review in this report as it could impact the appropriative status of the Tulare: East James aquifer and may eventually constitute an unlawful impairment of existing water rights, if found to be withdrawing from the fully appropriated aquifer. To aid in decision making, the applicant should conduct an aquifer performance test monitoring both the Niobrara aquifer and the Tulare: East James aquifer prior to approval of these applications to determine whether pumping from the Niobrara aquifer under the local hydrogeologic conditions will induce inflow from the Tulare: East James aquifer.

Aside from the potential for unlawful impairment at some future date, these applications also raise the issue whether the proposed use from the Niobrara aquifer in this area is a beneficial use and in the public interest if it is found that diversion of water from the Niobrara aquifer induces

water from a fully appropriated aquifer. Beneficial use is the use of water that is useful and beneficial to the appropriator, and at the same time is consistent with the interests of the public of this state in the best utilization of water supplies. While irrigation is a beneficial use of water, the use also has be consistent with the interests of the public pursuant to SDCL 46-46-1-6(3). The Water Management Board has general supervision of the water of the state and is to control the development, conservation, and allocation of the right to use the waters of the state according to the principles of beneficial use and priority of appropriation. To aid the Water Management Board in making a decision whether to approve or deny these applications, an aquifer performance test to quantify this hydrologic connection may be warranted.

Special Consideration – Suitability for Irrigation

The Howells and Stephens [4] report describes water from the Niobrara aquifer in Beadle County as “saline”, and unsuitable for irrigation. It is recommended the applicant complete a soil-water compatibility analysis by a qualified soil scientist to determine whether the water is suitable for irrigation, or when used for irrigation, what best management practices are needed to ensure water is placed to beneficial use in compliance with SDCL 46-2A-9.

Conclusions

1. Water Permit Application No. 8721-3 proposes to appropriate 5.35 cfs, to irrigate 480 acres in the E ½ and SW ¼ Section 19 from three wells to be completed into the Niobrara aquifer in the approximate centers of the NE ¼, the SE ¼, and the SW ¼ Section 19; all in T113N-R61W, 5th P.M.
2. Water Permit Application No. 8722-3 proposes to appropriate 5.35 cfs to irrigate 480 acres in the W ½ and SE ¼ Section 20 from three wells to be completed into the Niobrara aquifer in the approximate centers of the NW ¼, the SW ¼, and the SE ¼ Section 20; all in T113N-R61W, 5th P.M.
3. If these applications are approved, a qualification should be included limiting the total amount of water applied to the land to not exceed two acre-feet per acre annually, regardless of the source of water.
4. If these applications are approved, the applicant should follow best management practices as recommended by a qualified soil scientist to prevent damage to the soil from poor water quality in the Niobrara aquifer. The permit may include a qualification requiring regular testing of the soil salinity.
5. Based on the hydrologic budget, there is reasonable probability unappropriated water is available in the Niobrara aquifer for these applications.
6. Based on observation well analysis and lithologic information available, these applications should be deferred to allow for an aquifer performance test to determine the hydrologic connection between the Niobrara aquifer withdrawals potential impact to the Tulare: East James aquifer.
7. There is reasonable probability these applications can be developed without unlawful impairment of existing water rights or domestic users in the Niobrara aquifer, but induced recharge from the fully appropriated Tulare: East James aquifer may be a beneficial use and public interest consideration for the Water Management Board.



Kimberly C. Drennon, E.I.

Natural Resources Engineer II – DANR Water Rights Program

References

- [1] J. E. Martin, J. F. Sawyer, M. D. Fahrenbach, D. W. Tomhave and L. D. Schulz, "Geologic Map of South Dakota," SD DANR Geological Survey Program, Vermillion, South Dakota, 2004.
- [2] L. S. Hedges, S. L. Burch, D. L. Iles, R. A. Barari and R. A. Schoon, "Evaluation of Ground-Water Resources Eastern South Dakota and Upper Big Sioux River, South Dakota and Iowa Tasks 1-4," SD DANR Geological Survey Program, Vermillion, South Dakota, 1982.
- [3] N. Steen and A. Mathiowetz, "Report to the Chief Engineer on Water Permit Application No. 8624-3," SD DANR Water Rights Program, Joe Foss Bldg., Pierre, South Dakota, 2022.
- [4] L. W. Howells and J. C. Stephens, "Geology and Water Resources of Beadle County South Dakota Part II: Water Resources," SD DANR Geological Survey Program, Vermillion, South Dakota, 1968.
- [5] D. W. Tomhave and L. D. Schulz, "Bedrock geologic map showing configuration of the bedrock surface in South Dakota east of the Missouri River," DANR Geological Survey Program, Vermillion, SD, 2004.
- [6] SD DANR Geological Survey Program, "Lithologic Logs," Vermillion, South Dakota, 2022.
- [7] SD DANR Water Rights Program, "Observation Wells," SD DANR Water Rights Program, Pierre, South Dakota, 2023.
- [8] SD DANR Water Rights Program, "Water Right Permit Files," SD DANR Water Rights Program, Pierre, South Dakota, 2023.
- [9] SD DANR Water Rights Program, "Irrigation reports," Joe Foss Bldg., Pierre, South Dakota, 2022.
- [10] SD DANR Drinking Water Program, "Drinking Water Reports," SD DANR Drinking Water Program, Pierre, South Dakota, 2021.
- [11] B. Friedeman, Interviewee, *Environmental Scientist II, SD DANR Drinking Water Program*. [Interview]. 9 February 2021.

Report on Water Permit App. Nos. 8721-3 and 8722-3

- [12] SD DANR Water Rights Program, "Well Completion Reports," SD DANR Water Rights Program, Pierre, South Dakota, 2023.
- [13] SD DANR Water Rights Program, *County Files*, Pierre, South Dakota: SD DANR Water Rights Program, 2023.



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

November 7, 2025

NOTICE OF HEARING

TO: Huron Hutterian Brethren, Inc. Emily Greco, Assistant Attorney General
c/o Joey Waldner 1302 East Highway 14, Suite 1
40068 Huron Colony Pierre SD 57501-8501
Huron SD 57350

FROM: Mark Mayer, PE 
Director of the Office of Water

SUBJECT: Reconsideration of Water Permit Application Nos. 8721-3 & 8722-3, Huron
Hutterian Brethren, Inc.

At the Water Management Board hearing conducted on December 6, 2023, the Board followed the Chief Engineer's recommendation that Application Nos. 8721-3 & 8722-3 be deferred for up to two years. The purpose of the deferral action was to allow time for Huron Hutterian Brethren, Inc., to retain a hydrologist or other qualified consultant to conduct a suitable aquifer performance test with analysis to determine if pumping from the Niobrara Aquifer in this area would induce recharge from the fully appropriated Tulare: East James Aquifer.

To date, the SD DANR Water Rights Program has not been notified of the results of any such consultation. The acting Chief Engineer's revised recommendation is that the Board **deny** Application Nos. 8721-3 & 8722-3. If you intend to oppose the recommendation, please file a petition opposing the recommendation by November 21, 2025. A petition form is enclosed for you to use if you intend to oppose the recommendation. If you support the recommendation, no petition is necessary.

The Water Management Board will conduct a hearing to reconsider deferred Application Nos. 8721-3 & 8722-3, at **10:15 AM (Central Time), on Wednesday, December 3, 2025**, at the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Ave, 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. As a legal entity (Huron Hutterian Brethren, Inc.), the applicant is required to be represented by legal counsel in this administrative process. At the time of reconsideration, the Board will have the authority to approve, approve with qualifications, defer, or deny the applications.

Applicable provisions of the public notice published in the Huron Plainsman on October 25, 2023, still apply.

Questions regarding the hearing process may be directed to Amanda Dewell or Ron Duvall, Water Rights Program (605) 773-3352, Amanda.Dewell@state.sd.us or Ron.Duvall@state.sd.us.



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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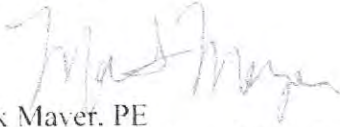
**REVISED RECOMMENDATION OF ACTING CHIEF ENGINEER FOR
WATER PERMIT APPLICATION NOS. 8721-3 & 8722-3,
HURON HUTTERIAN BRETHREN, INC.**

Pursuant to SDCL 46-2A-2, the following is the revised recommendation of the acting Chief Engineer, Water Rights Program, Department of Agriculture and Natural Resources concerning Water Permit Application Nos. 8721-3 & 8722-3, Huron Hutterian Brethren, Inc., c/o Joey Waldner, 40068 Huron Colony, Huron SD 57350.

The acting Chief Engineer is recommending **DENIAL** of Application Nos. 8721-3 & 8722-3 for failing to comply with all the necessary requirements found in SDCL 46-2A-9 to recommend approval of an application.

Application Nos. 8721-3 & 8722-3 were deferred by the Water Management Board on December 6, 2023, to allow time for Huron Hutterian Brethren Inc. 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 the requested area would induce recharge from the fully appropriated Tulare: East James Aquifer. To date, the Water Rights Program has not been consulted concerning completion of an aquifer performance test or been provided the results any aquifer performance test. Further, in a letter dated July 8, 2025, you were asked your intentions regarding this deferred application and advised of the upcoming hearing on these applications, no response was received.

Even though unappropriated water is available from the Niobrara Aquifer, inducing inflow from a fully appropriated aquifer may unlawfully impair existing domestic uses and water rights using water from the fully appropriated aquifer. Consequently, the proposed beneficial use is not consistent with the interests of the public in the best utilization of water supplies pursuant to SDCL 46-1-6(3). Therefore, the unlawful impairment, beneficial use, and public interest requirements found in SDCL 46-2A-9 have NOT been met to recommend approval of the applications.


Mark Mayer, PE
Director of the Office of Water
November 7, 2025

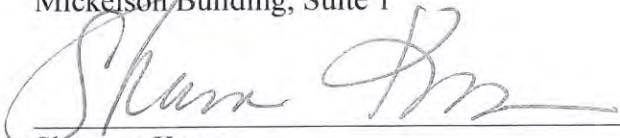
CERTIFICATION

The undersigned hereby certifies under the penalty of perjury that a true and correct copy of a Notice of Hearing dated November 7, 2025, regarding Water Permit Application Nos. 8721-3 & 8722-3, Huron Hutterian Brethren, Inc, a revised recommendation dated November 7, 2025, and a blank petition form was served upon the following by enclosing the same in an envelope with first class postage prepaid, and depositing said envelope in the United States mail on November 7, 2025.

Huron Hutterian Brethren, Inc.
c/o Joey Waldner
40068 Huron Colony
Huron SD 57350

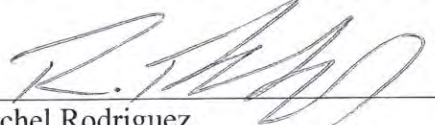
Above Sent Inter-office to:

Emily Greco, Assistant Attorney General
Mickelson Building, Suite 1


Shannon Konst
Water Rights Program, DANR

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 7th day of Nov, 2025.


Rachel Rodriguez
Notary Public
My Commission expires May 16, 2029



**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
2023 August 23**

Water Permit Application No. 8748-3 proposes to appropriate 1.94 cubic feet of water per second (cfs) from one well to be completed into the Niobrara aquifer (approximately 207 feet deep) located in the approximate center of the NE $\frac{1}{4}$ Section 36 for irrigation of 136 acres located in the NE $\frac{1}{4}$ Section 36; all in T113N-R64W. This application site is in Beadle County approximately 6 miles south-southwest of Hitchcock, South Dakota.

Water Permit Application No. 8749-3 proposes to appropriate 1.94 cfs from one well to be completed into the Niobrara aquifer located in the approximate center of the NW $\frac{1}{4}$ Section 33 for irrigation of 136 acres located in the NW $\frac{1}{4}$ Section 33; all in T114N-R63W. This application site is in Spink County approximately 0.8 miles north of Hitchcock.

Water Permit Application No. 8750-3 proposes to appropriate 7.77 cfs from four wells to be completed into the Niobrara aquifer located in the approximate centers of the SE $\frac{1}{4}$, SW $\frac{1}{4}$ Section 4 and NE $\frac{1}{4}$, SE $\frac{1}{4}$ Section 5 for irrigation of 544 acres located in the S $\frac{1}{2}$ Section 4 and E $\frac{1}{2}$ Section 5; all in T113N-R63W. This application site is in Beadle County on the south edge of Hitchcock and approximately 0.5 miles west of Hitchcock.

Water Permit Application No. 8751-3 proposes to appropriate 14.0 cfs from four wells to be completed into the Niobrara aquifer located in the approximate centers of the NW $\frac{1}{4}$ Section 32, Center of Section 31, SW $\frac{1}{4}$ Section 30; all in T114N-R63W and the center of the NE $\frac{1}{4}$ Section 36-T114N-R64W for irrigation of 982 acres located in the NW $\frac{1}{4}$ Section 32, Section 31, SW $\frac{1}{4}$ Section 30; all in T114N-R63W and the NE $\frac{1}{4}$ Section 36-T114N-R64W. This application site is in Spink County between approximately 1.5 and 2.5 miles west-northwest of Hitchcock.

Water Permit Application No. 8752-3 proposes to appropriate 1.94 cfs from one well to be completed into the Niobrara aquifer located in the approximate center of the NE $\frac{1}{4}$ Section 7 for irrigation of 136 acres located in the NE $\frac{1}{4}$ Section 7; all in T113N-R63W. This application site is in Beadle County approximately 2 miles west-southwest of Hitchcock.

The locations of the proposed wells for all these applications are mapped in Figure 1. In total, these five applications propose to appropriate 27.59 cfs to irrigate 1,934 acres in Spink and Beadle Counties.

Report on Water Permit App. Nos. 8748-3 through 8752-3

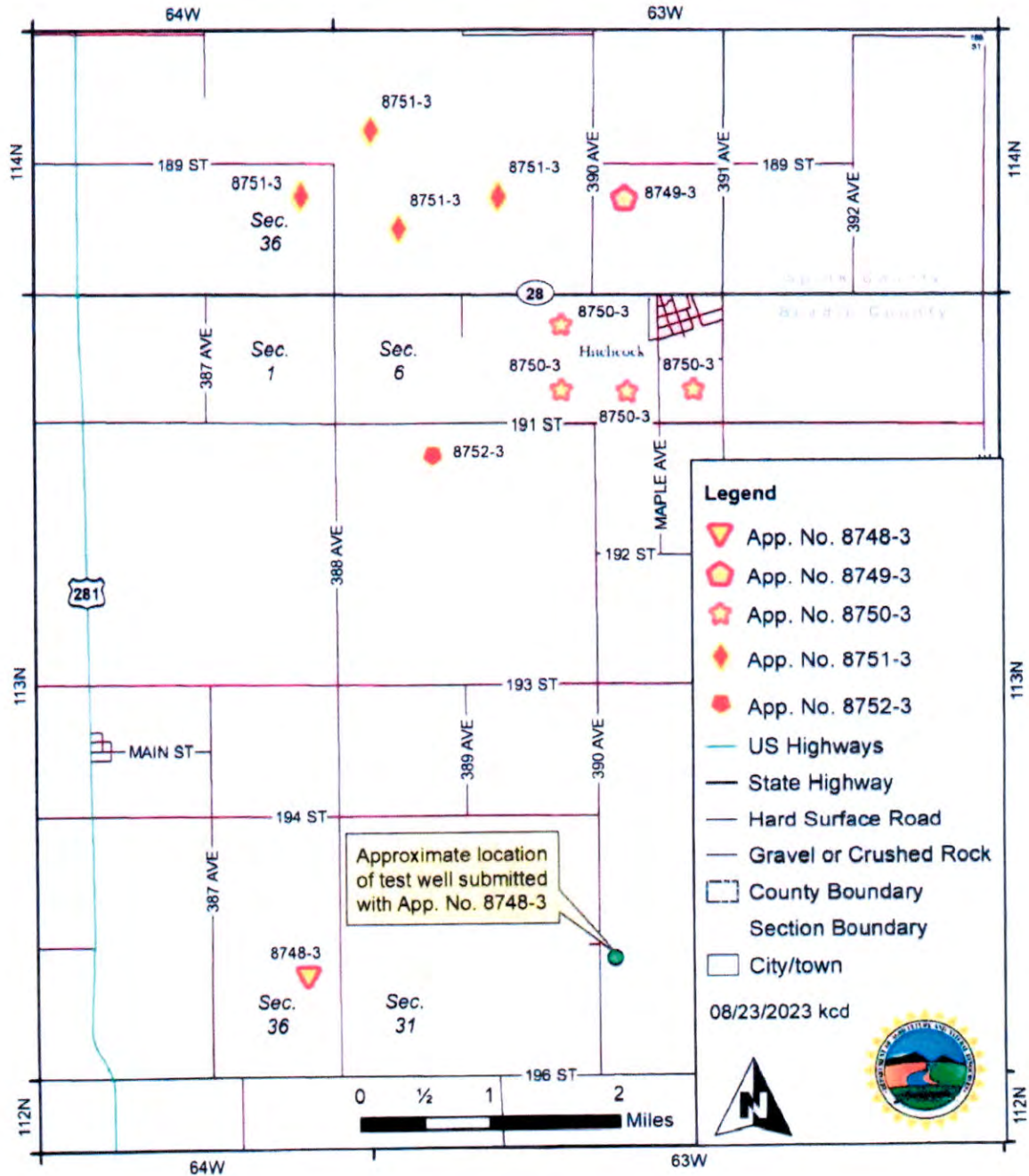


Figure 1: Water permit applications and surrounding area

Aquifer: Niobrara (NBRR)

Hydrogeologic Characteristics

The Niobrara aquifer is composed of the permeable and saturated portions of the upper-Cretaceous-aged Niobrara Formation. The Niobrara Formation is a "white to dark-gray argillaceous chalk, marl, and shale [1]" underlying most of South Dakota. Productivity in the Niobrara aquifer is mainly from secondary porosity features such as fractures, faults, and solution cavities [2]. Therefore, its characteristics vary greatly from location to location, and it is typically more productive in areas where weathering to the formation has occurred. The Niobrara Formation underlies approximately 29,054 square miles (18,594,560 acres) in South Dakota east of the Missouri River, including all 1,249 square miles (799,360 acres) of Beadle County and all 1,509 square miles (965,760 acres) of Spink County [2]. Some areas of the Niobrara Formation are separated from the main body of the formation by erosional channels. This application is located in the main body. The main body of the Niobrara Formation underlies approximately 27,500 square miles (17,600,000 acres) in South Dakota east of the Missouri River, including all of Spink and Beadle Counties [3]. The Niobrara Formation underlies the Cretaceous-aged Pierre Shale and the Quaternary-aged glacial deposits including the Tulare aquifer [4]. The Niobrara Formation directly overlies the Cretaceous-aged Carlile Shale. There is a lithologic log completed in 1963 in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 5 T113N-R63W indicating the Tulare: Western Spink Hitchcock aquifer management unit directly overlies and contacts the Niobrara Formation [5]. Another lithologic log completed in 1963 in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 31 T114N-R63W also indicates the presence the Tulare aquifer directly above the Niobrara Formation [5]. The contact between the Niobrara Formation and the Pierre Shale, and the Niobrara Formation, Pierre Shale, and glacial deposits is unconformable [6], which means there was a period of erosion between the deposition of those three deposits. Erosional periods can cause highly undulating surfaces of the bedrock formations which can be difficult to predict based on the available lithological information. Based on available information, including lithologic logs and bedrock mapped in the area of these applications, it is likely the Tulare aquifer comes into contact with weathered portions of the Niobrara aquifer near most of these applications. Consequently, withdrawals from wells completed into the Niobrara Formation could cause flow to go from the Tulare aquifer to the Niobrara aquifer. The Tulare: Western Spink Hitchcock aquifer management unit is fully appropriated. The only application in this report for which it is not likely the Tulare: Western Spink Hitchcock aquifer directly overlies the Niobrara aquifer is Water Permit Application No. 8748-3, which overlies a mapped area of the Pierre Shale which underlies the Tulare aquifer several miles surrounding that application and acts as a confining layer between the Tulare aquifer and the Niobrara aquifer [7].

The applicant submitted a well completion report for a well completed on March 20, 2023, in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 33 T114N-R63W. The driller reported encountering "blue clay" from 165 to 195 feet below grade and chalk from 195 to 207 feet below grade. The driller placed screen from 166 to 206 feet below grade. The static water level was 46 feet below grade at the time the well was completed. The applicant also submitted a laboratory analysis report of the water quality in the well. The analysis indicated the water quality was "very poor quality" for irrigation, the salinity hazard was high, and the permeability hazard was extremely high,

including the statement "Depending on the field situation, it may or may not be feasible to use this water for routine irrigation."

Applicable South Dakota Codified Law (SDCL)

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

Pursuant to SDCL 46-6-3.1, 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 the water to the groundwater source. An exception allows water distribution systems to withdraw from groundwater sources older or stratigraphically lower than the Greenhorn Formation regardless of the results of a hydrologic budget. The applicant is not a water distribution system as defined in SDCL 46-1-6(17) and the Niobrara aquifer is younger and stratigraphically higher than the Greenhorn Formation. Therefore, the Water Management Board must find that recharge to the aquifer exceeds withdrawals to approve this application.

Availability of Water

Hydrologic Budget

Recharge to the Main Body

Recharge to the Niobrara aquifer likely occurs by inflow from aquifers in contact with the Niobrara when the hydraulic head is higher in the other aquifers than in the Niobrara aquifer. No estimate of the recharge to the Niobrara aquifer is available due to the extreme variability of aquifer characteristics across South Dakota. Observation well water levels in the Niobrara aquifer indicate that recharge exceeds withdrawals in the aquifer [8].

Discharge from the Main Body

Discharge from the Niobrara aquifer is likely by groundwater outflow to aquifers in contact with the Niobrara aquifer when the hydraulic head in the Niobrara aquifer is higher than that of the other aquifers and by withdrawals from domestic and appropriative wells [4]. Domestic wells are not a significant source of discharge in the Niobrara aquifer due to the presence of rural water systems and stratigraphically higher (and therefore cheaper to drill) aquifers. There are 31 water rights/permits appropriating water from the main body of the Niobrara aquifer [9] [3]. Of those, 12 are for irrigation, seven are for commercial use, six for municipal use, four for institutional use, and one each for industrial use and fish and wildlife propagation. There are two water permit applications, Nos. 8721-3 and 8722-3 proposing to appropriate a total of 10.70 cfs to irrigate a total of 960 acres in Beadle County, and one water permit application, No. 8773-3, which proposes to appropriate a total of 2.11 cfs to irrigate 160 acres in Spink County. If those applications are approved, they will have senior priority to this application.

The average irrigation reported in the main body of the Niobrara aquifer over the period of record from 1979 through 2022 is 373 acre-feet per year (ac-ft/yr) [10]. There is one irrigation permit, No. 8678-3, which is too new to have reported any irrigation. That permit is estimated to apply 10 inches of water per acre over its 300 acres, for an estimated annual withdrawal of 250 ac-ft/yr. Using the same method for Water Permit Application Nos. 8721-3, 8722-3, and 8773-3 those permits are estimated to withdraw 933 ac-ft/yr. Figure 2 shows the irrigation reported in the main body of the Niobrara aquifer over the period of record (1979 -2022) [10].

Of the non-irrigation water rights/permits, Water Right Nos. 4278-3, 4121A-3, 4264A-3, and 4264B-3 are held by municipalities that purchase their water from another water distribution system [11] [12], so are assumed to withdraw a negligible amount of water for the hydrologic budget. There are two non-irrigation water rights/permits required to report their annual withdrawal but are still developing their permits. Those permits are assumed to withdraw the maximum volume limit listed on their permit, for a combined withdrawal of 227 ac-ft/yr. The remaining 13 non-irrigation water rights/permits are assumed to withdraw at their maximum licensed or permitted diversion rate 60% of the time, for an estimated combined average annual withdrawal rate of 705 ac-ft/yr.

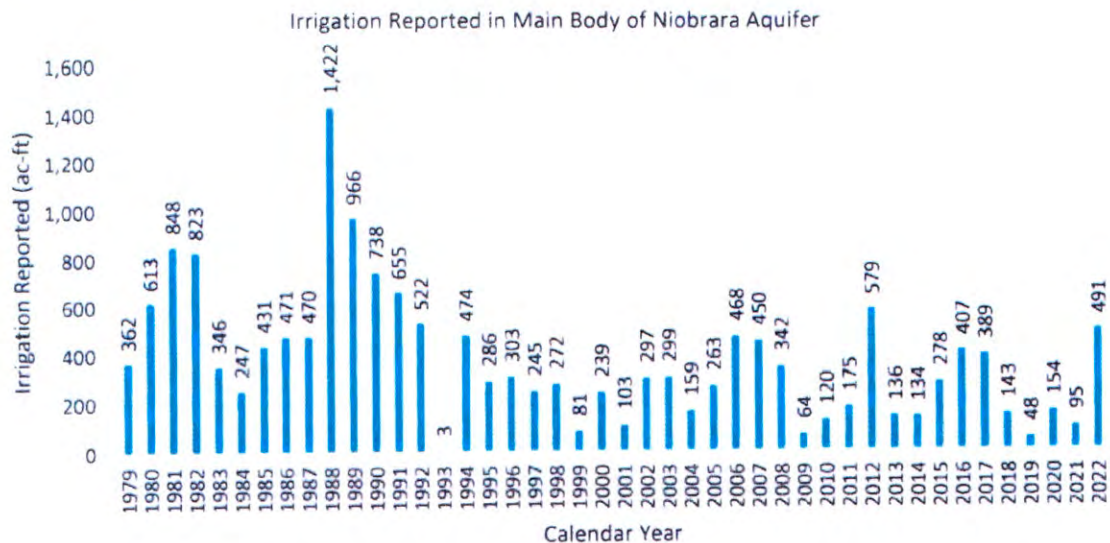


Figure 2: Irrigation reported in the main body of the Niobrara aquifer [5]

Summary of Hydrologic Budget of the Main Body

There is no estimate available for the recharge to the Niobrara aquifer due to its highly variable aquifer characteristics. The estimated average annual withdrawal from the main body of the Niobrara aquifer, including pending applications, is 2,488 ac-ft/yr. Using the same method for these applications as for other permits and applications not yet reporting irrigation, the estimated average annual withdrawal would be 1,612 ac-ft/yr, for a total estimated withdrawal of approximately 4,100 ac-ft/yr from the main body of the Niobrara aquifer. By dividing the estimated 4,100 ac-ft/yr of withdrawal by the 17,600,000 acres of the main body of the Niobrara

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Formation, the recharge to the formation would have to exceed 0.003 inches per acre for recharge to exceed withdrawals. Given the very small amount of recharge needed to exceed withdrawals, there is reasonable probability unappropriated water is available in the Niobrara aquifer for this application.

Table 1: Summary of estimated withdrawals from the main body of the Niobrara aquifer

Type	Number	Est. Withdrawal (ac-ft/yr)
Irrigation, reporting	11	373
Irrigation, too new to report	1	250
Non-irrigation, Standby	4	0
Non-irrigation, Volume	2	227
Non-irrigation, Sixty percent	13	705
Subtotal, authorized to withdraw	31	1,555
Pending applications	3	933
Grand total	34	2,488

Spink and Beadle County Hydrologic Budgets

Because the Niobrara aquifer has highly variable aquifer characteristics, it is appropriate to consider a more localized hydrologic budget. Lacking distinctive hydrogeological boundaries smaller than the extent of the main body of the aquifer, hydrologic budgets concerning only the areas of Spink and Beadle Counties are considered. There are no water rights/permits authorized to withdraw from the Niobrara aquifer in Spink County. Water Permit Application No. 8773-3 is estimated to withdraw 133 ac-ft/yr on average and Water Permit Application Nos. 8749-3 and 8751-3 are estimated to withdraw a total of 932 ac-ft/yr on average, if they are approved. Dividing the 1,065 ac-ft/yr of estimated annual use from these applications over the 965,760 acres of Niobrara aquifer in Spink County, the required recharge to exceed withdrawals is 0.013 inches per acre per year.

In Beadle County, there are four existing water rights/permits authorized to withdraw from the Niobrara aquifer and two pending applications that would be senior to the three applications in this report (Water Permit Application Nos. 8748-3, 8750-3, and 8752-3), which would be in Beadle County if they are approved. Using the same methods as in the statewide section, the estimated withdrawal for water rights permits authorized to withdraw from the Niobrara aquifer in Beadle County is 307 ac-ft/yr. Water Permit Application Nos. 8721-3 and 8722-3 are estimated to withdraw a total of 800 ac-ft/yr, and Water Permit Application Nos. 8748-3, 8750-3, and 8752-3 are estimated to withdraw a combined total of 680 ac-ft/yr for a grand total of 1,787 ac-ft/yr of estimated withdrawals from the Niobrara aquifer in Beadle County. For recharge to exceed withdrawals in Beadle County, the recharge to the Niobrara aquifer would have to exceed 0.03 inches per acre per year.

Observation Wells

Administrative Rule of South Dakota 74:02:05:07 requires that the Water Management Board rely upon the record of observation wells, in addition to other information, to determine the

availability of unappropriated water. The Water Rights Program maintains 59 observation wells completed into the Niobrara aquifer, 38 of which are completed into the main body of the aquifer [8] [3]. The nearest observation well completed into the Niobrara aquifer to this application is BD-2023A, which is located approximately 11 miles east of the eastern-most proposed wells for these applications. The period of record for Observation Well BD-2023A is extremely limited and does not reflect fluctuations in the aquifer through wet and dry periods. The next nearest observation well is SP-77D, located approximately 14 miles north of the proposed wells for these applications [8]. The locations of the two nearest observation wells completed into the Niobrara aquifer, the nearest existing water permit, and senior applications pending approval, and bedrock formations near the Van Buskirk applications are shown in Figure 3 [8] [9] [7]. Figure 4 shows water elevations in those observation wells over their entire periods of record [8]. Water levels in observation wells completed into the main body of the Niobrara aquifer all have stable or increasing trends. Observation Well SP-77D is representative of the general behavior of the Niobrara aquifer, although at the distance from the proposed well sites, it does not reflect changes that would be specific to the area of these applications. In general water levels rise during periods of higher-than-average precipitation and decline during periods of lower-than-average precipitation. The fluctuation due to natural influences indicates water is naturally discharged from the Niobrara aquifer. The Water Management Board historically has considered natural discharge to be available for capture. Therefore, based on observation well analysis, there is reasonable probability unappropriated water is available in the Niobrara aquifer for these applications.

Report on Water Permit App. Nos. 8748-3 through 8752-3

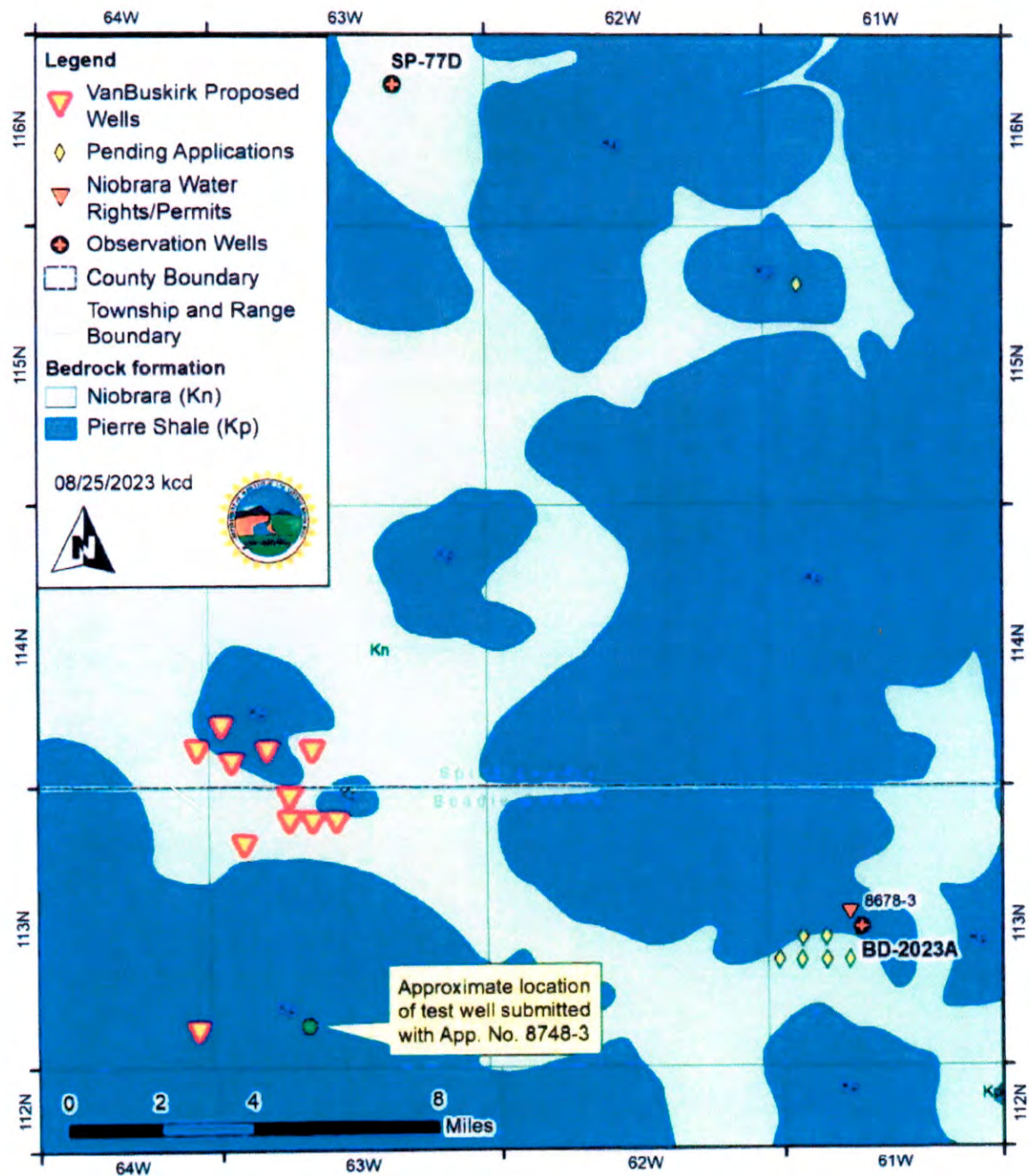


Figure 3: Observation wells [8], Niobrara water rights/permits [9], pending applications senior to the Van Buskirk applications, and bedrock formations [7] near the Van Buskirk applications.

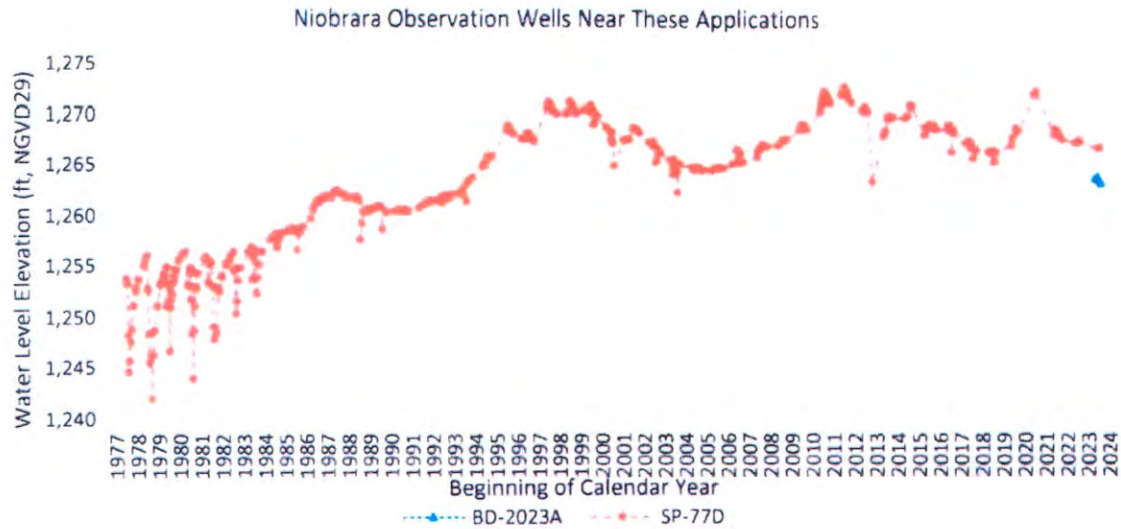


Figure 4: Observation well water elevations in the Niobrara aquifer [8]

Possibility of Unlawful Impairment of Existing Water Rights

The nearest water right/permit to all five applications that is completed into the Niobrara aquifer is Water Permit No. 8678-3, located approximately 14 miles south of the proposed well for this application [9]. There are no wells on file with the Water Rights Program that are likely to be completed into the Niobrara aquifer within three miles of all five of these applications [13]. The Water Rights Program has historically interpreted an unlawful impairment of existing water rights to occur if a junior water right/permit causes a nearby adequate well with a senior water right/permit to become unable to withdraw at the rate it is entitled to or, if a domestic well is impacted, a water right/permit causes an adequate domestic well to be unable to withdraw at the rate needed to supply reasonable domestic use of water. Administrative Rule of South Dakota (ARSD) 74:02:04:20(6) defines an adequate well as:

...a well constructed or rehabilitated to allow various withdrawal methods to be used, to allow the inlet to the pump to be placed not less than 20 feet into the saturated aquifer or formation material when the well is constructed, or to allow the pump to be placed as near to the bottom of the aquifer as is practical if the aquifer thickness is less than 20 feet

If these applications are approved, some drawdown in the aquifer will occur in the proximity of the pumping wells. There are no complaints concerning unlawful impairment of existing water rights in the Niobrara aquifer in Spink and Beadle Counties [14]. If these applications are approved, the applicant should control their withdrawals so that an unlawful impairment of adequate wells does not occur. Based on the distance of the proposed wells to the nearest water right, and lack of complaints concerning well interference in the Niobrara aquifer on file in Spink and Beadle Counties, there is reasonable probability these applications can be developed without unlawful impairment of existing domestic uses and water rights in the Niobrara aquifer.

Report on Water Permit App. Nos. 8748-3 through 8752-3

However, if Application Nos. 8749-3, 8750-3, 8751-3, and 8752-3 are developed, they may induce withdrawal from the Tulare: Western Spink Hitchcock aquifer which is a fully appropriated aquifer. Over time induced withdrawals from the Tulare aquifer may create conditions that could be considered an unlawful impairment of existing water rights in the Tulare: Western Spink Hitchcock aquifer.

Special Consideration – Induction of Water from a Fully Appropriated Management Unit

As discussed in the Hydrogeologic Characteristics section, the Niobrara aquifer these applications (except No. 8748-3) seek to appropriate water from may directly underly the fully appropriated Tulare: Western Spink Hitchcock aquifer management unit. 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.

Special Consideration – Suitability for Irrigation

In a letter to the holder of Cancelled Water Permit No. 1286-3 dated November 27, 1978, then Chief Engineer Hatch indicated the permit holder had abandoned use of that irrigation permit because the water was ruining his land [9]. Hamilton and Howells [15] indicate "The large sodium concentration in the Niobrara aquifer makes the water unsuitable for irrigation use." It is recommended the applicant complete a soil-water compatibility analysis by a qualified soil scientist to determine whether the water is suitable for irrigation, or when used for irrigation, what best management practices are needed to ensure water is placed to beneficial use in compliance with SDCL 46-2A-9.

Conclusions:

1. Water Permit Application No. 8748-3 proposes to appropriate 1.94 cfs from one well to be completed into the Niobrara aquifer located in the approximate center of the NE $\frac{1}{4}$ Section 36 for irrigation of 136 acres located in the NE $\frac{1}{4}$ Section 36; all in T113N-R64W.
2. Water Permit Application No. 8749-3 proposes to appropriate 1.94 cfs from one well to be completed into the Niobrara aquifer located in the approximate center of the NW $\frac{1}{4}$ Section 33 for irrigation of 136 acres located in the NW $\frac{1}{4}$ Section 33; all in T114N-R63W.
3. Water Permit Application No. 8750-3 proposes to appropriate 7.77 cfs from four wells to be completed into the Niobrara aquifer located in the approximate centers of the SE $\frac{1}{4}$, SW $\frac{1}{4}$ Section 4 and NE $\frac{1}{4}$, SE $\frac{1}{4}$ Section 5 for irrigation of 544 acres located in the S $\frac{1}{2}$ Section 4 and E $\frac{1}{2}$ Section 5; all in T113N-R63W.
4. Water Permit Application No. 8751-3 proposes to appropriate 14.0 cfs from four wells to be completed into the Niobrara aquifer located in the approximate centers of the NW $\frac{1}{4}$

Report on Water Permit App. Nos. 8748-3 through 8752-3

Section 32, Center of Section 31, SW $\frac{1}{4}$ Section 30; all in T114N-R63W and the center of the NE $\frac{1}{4}$ Section 36-T114N-R64W for irrigation of 982 acres located in the NW $\frac{1}{4}$ Section 32, Section 31, SW $\frac{1}{4}$ Section 30; all in T114N-R63W and the NE $\frac{1}{4}$ Section 36-T114N-R64W.

5. Water Permit Application No. 8752-3 proposes to appropriate 1.94 cfs from one well to be completed into the Niobrara aquifer located in the approximate center of the NE $\frac{1}{4}$ Section 7 for irrigation of 136 acres located in the NE $\frac{1}{4}$ Section 7; all in T113N-R63W.
6. Based on the hydrologic budget and observation well analysis, there is reasonable probability unappropriated water is available for these applications in the Niobrara aquifer.
7. There is reasonable probability these applications can be developed without unlawful impairment of existing water rights in the Niobrara aquifer.
8. If these applications are approved, the applicant should follow best management practices as recommended by a qualified soil scientist to prevent damage to the soil from poor water quality in the Niobrara aquifer. The permit may include a qualification requiring regular testing of the soil salinity.
9. Based on lithologic information available, Application Nos. 8749-3, 8750-3, 8751-3, and 8752-3 should be deferred to allow for an aquifer performance test to determine whether Niobrara aquifer withdrawals potentially impact the Tulare: Western Spink Hitchcock aquifer.
10. The Niobrara aquifer near the proposed well site for Application No. 8748-3 is overlain by a mapped area of the Pierre shale, which acts as a confining layer between the Niobrara and Tulare aquifers, so it is not likely to cause a noticeable impact to the Tulare aquifer.



Kimberly C. Drennon, E.I.
Engineer II – DANR Water Rights Program

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Report on Water Permit App. Nos. 8748-3 through 8752-3

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- [4] L. W. Howells and J. C. Stephens, "Geology and Water Resources of Beadle County South Dakota Part II: Water Resources," SD DANR Geological Survey Program, Vermillion, South Dakota, 1968. Bulletin 18.
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- [13] SD DANR Water Rights Program, "Well Completion Reports," SD DANR Water Rights Program, Pierre, South Dakota, 2023.
- [14] SD DANR Water Rights Program, *County Files*, Pierre, South Dakota: SD DANR Water Rights Program, 2023.
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**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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November 7, 2025

NOTICE OF HEARING

TO: Van Buskirk Farms LLP
c/o Matthew Van Buskirk
18892 390th Ave
Hitchcock SD 57348

Emily Greco, Assistant Attorney General
1302 East Highway 14, Suite 1
Pierre SD 57501-8501

FROM: Mark Mayer, PE
Director of the Office of Water *Mark Mayer*

SUBJECT: Reconsideration of Water Permit Application Nos. 8749-3, 8750-3, 8751-3 & 8752-3, Van Buskirk Farms LLP

At the Water Management Board hearing conducted on December 6, 2023, the Board followed the Chief Engineer's recommendation that Application Nos. 8749-3, 8750-3, 8751-3 & 8752-3 be deferred for up to two years. The purpose of the deferral action was to allow time for Van Buskirk Farms LLP, to retain a hydrologist or other qualified consultant to conduct a suitable aquifer performance test with analysis to determine if pumping from the Niobrara Aquifer in this area would induce recharge from the fully appropriated Tulare: Western Spink Hitchcock Aquifer.

To date, the SD DANR Water Rights Program has not been notified of the results of any such consultation. The acting Chief Engineer's revised recommendation is that the Board **deny** Application Nos. 8749-3, 8750-3, 8751-3 & 8752-3. If you intend to oppose the recommendation, please file a petition opposing the recommendation by November 21, 2025. A petition form is enclosed for you to use if you intend to oppose the recommendation. If you support the recommendation, no petition is necessary.

The Water Management Board will conduct a hearing to reconsider deferred Application Nos. 8749-3, 8750-3, 8751-3 & 8752-3, at **10:15 AM (Central Time), on Wednesday, December 3, 2025**, at the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Ave, 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. As a legal entity (Van Buskirk Farms LLP), the applicant is required to be represented by legal counsel in this administrative process. At the time of reconsideration, the Board will have the authority to approve, approve with qualifications, defer, or deny the applications.

Applicable provisions of the public notice published in the Huron Plainsman & Redfield Press on October 25, 2023, still apply.

Questions regarding the hearing process may be directed to Amanda Dewell or Ron Duvall. Water Rights Program (605) 773-3352, Amanda.Dewell@state.sd.us or Ron.Duvall@state.sd.us.



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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**REVISED RECOMMENDATION OF ACTING CHIEF ENGINEER FOR
WATER PERMIT APPLICATION NOS. 8749-3, 8750-3, 8751-3 & 8752-3
VAN BUSKIRK FARMS LLP**

Pursuant to SDCL 46-2A-2, the following is the revised recommendation of the acting Chief Engineer, Water Rights Program, Department of Agriculture and Natural Resources concerning Water Permit Application Nos. 8749-3, 8750-3, 8751-3 & 8752-3, Van Buskirk Farms LLP, c/o Matthew Van Buskirk, 18892 390th Ave, Hitchcock SD 57348.

The acting Chief Engineer is recommending **DENIAL** of Application Nos. 8749-3, 8750-3, 8751-3 & 8752-3 for failing to comply with all the necessary requirements found in SDCL 46-2A-9 to recommend approval of an application.

Application Nos. 8749-3, 8750-3, 8751-3 & 8752-3 were deferred by the Water Management Board on December 6, 2023, to allow time for Van Buskirk Farms LLP 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 the requested area would induce recharge from the fully appropriated Tulare: Western Spink Hitchcock Aquifer. To date, the Water Rights Program has not been consulted concerning completion of an aquifer performance test or been provided the results any aquifer performance test. Further, in a letter dated July 8, 2025, you were asked your intentions regarding these deferred applications and advised of the upcoming hearing on these applications, no response was received.

Even though unappropriated water is available from the Niobrara Aquifer, inducing inflow from a fully appropriated aquifer may unlawfully impair existing domestic uses and water rights using water from the fully appropriated aquifer. Consequently, the proposed beneficial use is not consistent with the interests of the public in the best utilization of water supplies pursuant to SDCL 46-1-6(3). Therefore, the unlawful impairment, beneficial use, and public interest requirements found in SDCL 46-2A-9 have NOT been met to recommend approval of the applications.

Mark Mayer, PE
Director of the Office of Water
November 7, 2025

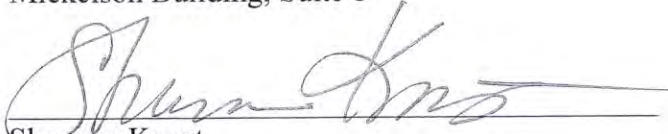
CERTIFICATION

The undersigned hereby certifies under the penalty of perjury that a true and correct copy of a Notice of Hearing dated November 7, 2025, regarding Water Permit Application Nos. 8749-3, 8750-3, 8751-3 & 8752-3, Van Buskirk Farms LLP, a revised recommendation dated November 7, 2025, and a blank petition form was served upon the following by enclosing the same in an envelope with first class postage prepaid, and depositing said envelope in the United States mail on November 7, 2025.

Van Buskirk Farms LLP
c/o Matthew Van Buskirk
18892 390th Ave
Hitchcock SD 57348

Above Sent Inter-office to:

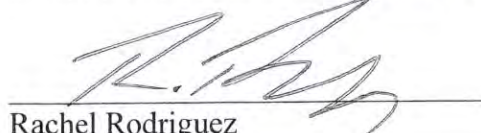
Emily Greco, Assistant Attorney General
Mickelson Building, Suite 1



Shannon Konst
Water Rights Program, DANR

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 7th day of Nov, 2025.



Rachel Rodriguez
Notary Public
My Commission expires May 16, 2029



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PAID

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Ck# 44062
Rec't#

Mail to: SD DANR, Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. <u>8972-3</u> Hydrologic Unit <u>10130105</u>
	Basin <u>Missouri R</u>
	Newspaper <u>Onida Watchman</u>
	<u>Aberdeen American News</u> (office use only)

Application for Permit to Appropriate Water in South Dakota

Check use(s) of water:

☐
☐
☐

Municipal
Rural Water System
Domestic (over 18 gpm)

☐
☐
☐

Water Distribution System
Commercial
Industrial

☒
☒
☐

Recreational
Fish & Wildlife
Other

☐
☐

Institutional
Geothermal

Type of Application: (check one)

☒
☐
☐

New

☐

Vested Right (Use predates Mar 2, 1955)

☐

Future Use Reservation

Place to Beneficial Use Water Reserved by Future Use Permit No. _____

Amendment/Correction to Permit No. _____

Description of amendment/correction: (i.e. change diversion point(s), add diversion point(s), change use, etc.)

1. Name to Appear on Water Permit Cheryl E. Nelson and Erik L. Nelson

Mailing Address 612 S Exene St. Gettysburg SD 57442
(Address) (City) (State) (Zip Code)

Phone (605)765-2469 Mobile _____ Email cheryl@paulnelsonfarm.com

2. Amount of water claimed 0.10 *CFS or 45 **GPM and 225 ***AF or _____ Gallons
Flow rate and volume are both required. (*Cubic Feet per Second) (**Gallons per Minute) (**Acre Feet - storage capacity of dam/dugout or annual use)

3. Source of water supply Inyan Kara formation (2125' below grade)

One well (Well 2) in NW1/4 SW1/4 S7

4. Location of point of diversion and one well (Well 4) in NE1/4 NW1/4 S8 County Sully

(example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)

If not a public water supply (e.g. municipal), will water be used outside of the area described above? ☐ Yes ☒ No

If "Yes," where will water be used? _____

(example - NW1/4 section 12-T104N-R53W)

5. County or counties where water will be used Sully

6. Annual period during which water is to be used Annually - year round

Jan 1 - Dec 31

7. Give a description of the project. When available include any preliminary engineering report or other reports or information that will help explain the project. (Attach sheet if more space is needed)

The water will be used to fill and maintain water levels that support recreation, fish, and wildlife. See attachments. The well supporting the pond in the building site will be used at no more than 5 gpm to maintain the pond level as needed. The well to the east, which supports the larger natural slough to the east, will be used at no more than 40 gpm to maintain the water level in that body. In no instance is runoff into Nelson Lake a planned occurrence. The cost of discharge works for the prior geothermal heating plan for these wells proved to be more expensive than originally anticipated; the Nelson Farm has procured and installed boilers to heat the buildings.

I, _____, the applicant, certify under

Name of Person

Title (if applicable)

penalty of perjury that I have read this application, examined the attached map, and that the matters stated are true. I further certify, if acting on behalf of an entity or individual other than myself, that I am authorized to submit this application.

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OFFICE OF
WATERForm 2A
(Complete applicable portions only)

Supplemental Information

(type or print)

1. Well Information (check one or both as applicable) ☐ Drilling new well(s) ☒ Using existing well(s)a) If new wells, how many _____ Have test holes been drilled? ☐ Yes ☐ No Drilled by _____
(if yes, please provide copies of logs)b) If existing wells, how many Two Provide copy of log(s), if available. Drilled by Huron Drilling Inc.No logs available. The well log for Well 3 is
thought to be similar and is attached.

For either existing or proposed wells:

c) Well Depth (required) ~2120' Depth to Top of Water Bearing Material ~1885' Depth to Water from Surface flowing

d) Distance to nearest domestic well on applicant's property _____ Property owned by others _____

2. Wastewater Disposal System Information

a) Type of System (i.e. septic tank, drain field) N/A

b) System Capacity (gallons) _____ Year Constructed _____

c) Connected to the City of _____ Sanitary System

3. Dugout Information

a) Surface Dimensions N/A Depth _____

b) Depth to water (ground surface to water level) _____

4. Water Storage Dams

If the proposed water use system contains one or more storage dams, please furnish the information requested below for each dam. The locations of the dams need to be shown on the map submitted with the application.

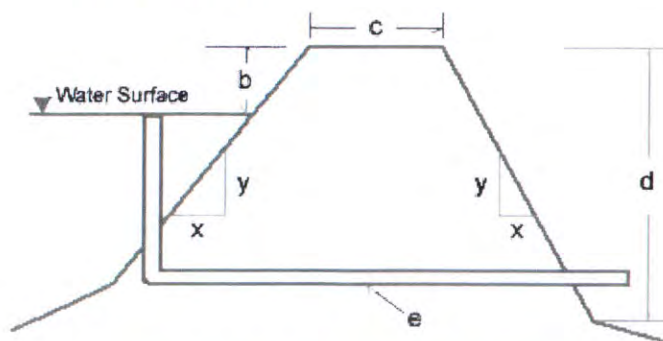
a) If a private engineering firm or government agency was involved in the design of this dam, please give their name and address:

Well 2
building
site
pondJoel Toso
Barr Engineering Company
234 W Century Ave
Bismarck, ND 58501

701-255-5460

b) Freeboard b = 1.5-ftc) Crest Width na - pipe outlet (see
Crest Length attached photo)d) Height d = ~6.5-fte) Primary Outlet Capacity 0.9 cfsIf pipe, diameter 8-inchf) Secondary Spillway Capacity 20 cfsSpillway Width 20-ft

g) X & Y Slope (e.g. 3 to 1 is a typical slope)

Upstream 3H to 1VDownstream 16H to 1Vh) Area of Impoundment 4.1 acresi) Storage 15 Acre Feetj) Drainage Area Above Dam 24 Acres(SEE ALSO ATTACHED SECTION,
PHOTO, AND PLAN VIEW (FIGURE 1))

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OFFICE OF
WATER

Legend

- 1 mi radius of well
- Section
- Well

Paul Nelson Farm

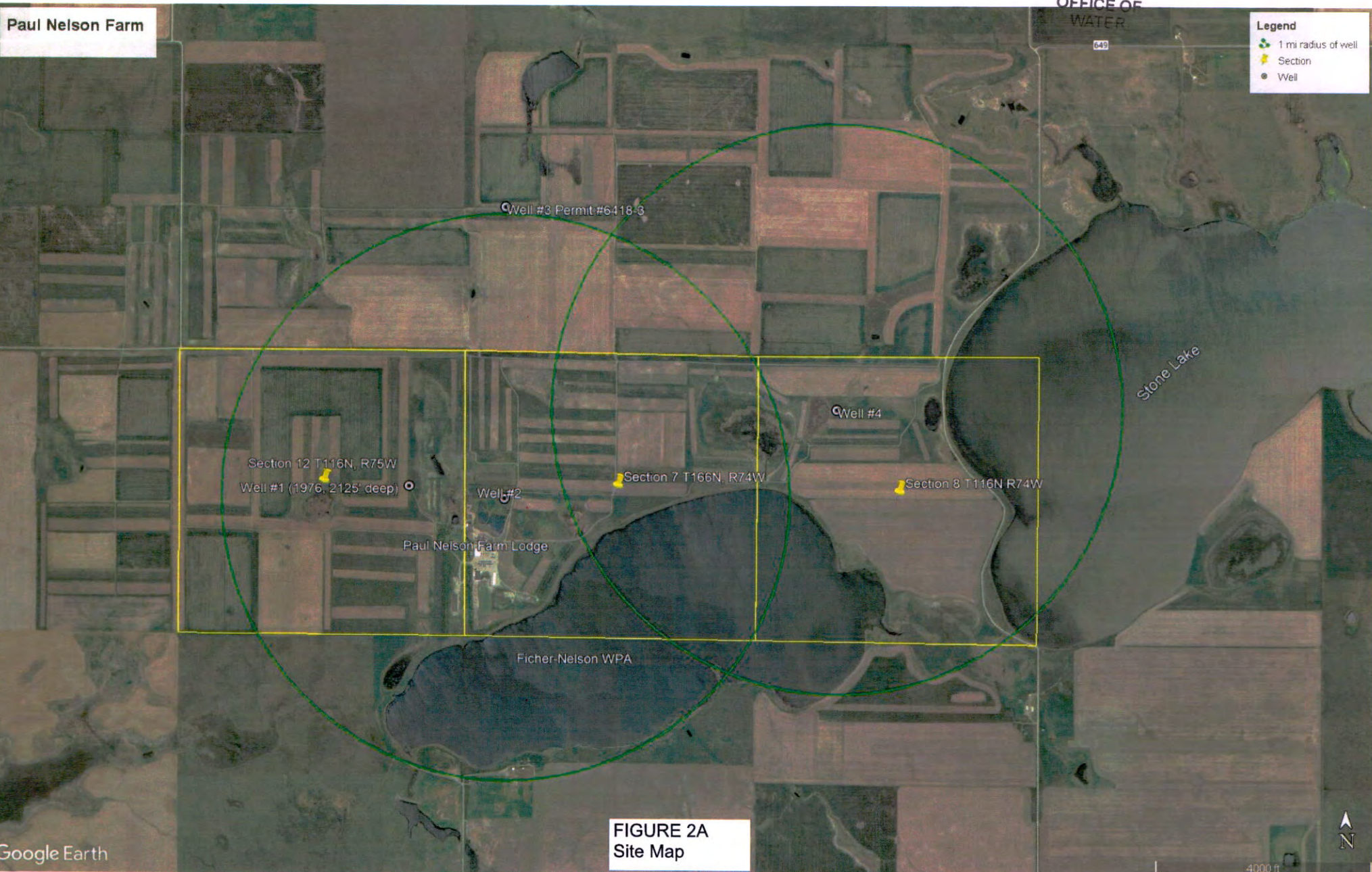


FIGURE 2A
Site Map

Report to the Chief Engineer
On Water Permit Application No. 8972-3

Cheryl Nelson & Erik Nelson

September 18th, 2025

Water Permit Application No. 8972-3 proposes to appropriate up to 72.4 acre-feet of water annually at a maximum combined pump rate of 0.10 cubic feet of water per second (cfs) (45 gallons per minute) from two existing wells (Well No. 2 & Well No. 4) completed into the Inyan Kara aquifer (both approximately 2,120 feet deep) located in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 7 (Well No. 2) and NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 8 (Well No. 4); both in T116N-R74W. Water from Well No. 4 will be diverted at a rate of up to 40 gallons per minute (gpm) to a large slough located in the E $\frac{1}{2}$ NE $\frac{1}{4}$ Section 7, W $\frac{1}{2}$ NW $\frac{1}{4}$ Section 8, and from Well No. 2 at a rate of up to 5 gpm to a pond located in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 7; all in T116N-R74W for recreational, and fish & wildlife purposes. This application is intended to replace existing Water Permit No. 8787-3 and, as such, does not authorize any increase in the appropriation authorized by Water Permit No. 8787-3. This site is located approximately eleven miles southeast of Gettysburg, SD in Sully County.

AQUIFER: Inyan Kara (INKR)

HYDROGEOLOGY:

The Inyan Kara aquifer is the saturated and permeable materials that make up the Lower Cretaceous-aged Inyan Kara Group. The Inyan Kara aquifer is a bedrock aquifer that underlies most of the northern great plains in Montana, North Dakota, South Dakota, Wyoming, and extends up into Canada (Downey, 1986). The Inyan Kara Group, in South Dakota, is comprised of Lower Cretaceous-aged Fall River and Lakota Formations (Downey, 1986). The Lakota Formation comprises the lower two-thirds while the Fall River Formation comprises the upper one-third of the Inyan Kara Group (Gott & others, 1974). The Water Rights Program and Water Management Board consider the Inyan Kara Group (Fall River and Lakota Formations) as one aquifer for appropriation. The Inyan Kara aquifer underlies approximately 23,000,000 acres of South Dakota west of the Missouri River and 6,400,00 acres east of the Missouri River (Allen & others, 1985; Hedges & others, 1982). The Inyan Kara aquifer is often referred to as "Sundance" by eastern South Dakota well drillers (Water Rights, 2025d). However, it should not be confused with the Sundance aquifer as defined by the Water Rights Program, which is an aquifer deposited during the Jurassic Period and does not extend to the diversion location.

In South Dakota, the Inyan Kara aquifer is primarily under confined conditions, except for the outcrops in the Back Hills where the aquifer is found to be unconfined (Driscoll and Carter, 2001; Water Rights, 2025b and 2025d). A majority of the Inyan Kara aquifer is overlain by the impermeable Skull Creek Shale, and in areas without the Skull Creek Shale the Inyan Kara aquifer discharges to the overlying Dakota aquifer (Schoon, 1971). The underlying Morrison Shale confines the Inyan Kara aquifer from other aquifers below it (Schoon, 1971), although due to the large extent of the area where stratigraphically lower, higher pressure, aquifers underly the

Inyan Kara aquifer, water can flow through the Morrison Shale to the Inyan Kara aquifer (Bredehoeft and others, 1983). Generally, the groundwater flow direction of the Inyan Kara aquifer is outwards from the Black Hills outcropping and eastward across South Dakota (Strobel & others, 2000; Water Rights, 2025b).

A well completion report was submitted with this application. This well completion report is for Well No. 3 which is located in Section 6-T116N-R74W, just north of Well Nos. 2 & 4, to be used for this application, and was completed on May 6th, 2002 (Water Rights, 2025d). Well No. 3 is expected to have similar construction to Well Nos. 2 & 4. The water well completion report shows the top of aquifer material 1,855 feet below ground surface. The static water level at the time of well completion was approximately 165 pounds per square inch (psi) of closed in pressure, or approximately 381 feet of water above ground surface (Water Rights, 2025b). Based on the top of aquifer material, the static water level, and total well depth (2,120 ft), the aquifer is confined with a saturated aquifer thickness of at least 265 feet (Water Rights, 2025b). The well completion report indicates the aquifer material is confined by a layer of Morrison Shale above the aquifer and is similar to other nearby test hole reports and well completion reports for Inyan Kara aquifer wells (Water Rights, 2025d).

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

Pursuant to SDCL 46-2A-9,

"A permit to appropriate water may be issued only if there is a 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 unappropriated water and the potential for unlawful impairment of existing domestic uses and water rights within the Inyan Kara aquifer.

WATER AVAILABILITY:

Water Permit Application No. 8972-3 proposes to appropriate water from the Inyan Kara aquifer. The probability of unappropriated water being available from the aquifer can be evaluated by considering SDCL 46-6-3.1,

"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 Inyan Kara aquifer is older and stratigraphically lower than the Greenhorn Formation. However, the applicant's proposed use is not for use in a water distribution system as defined by SDCL 46-1-6(17). Therefore, the average annual recharge and average annual withdrawal rates to and from the Inyan Kara aquifer must be considered.

HYDROLOGIC BUDGET:

Recharge

The Inyan Kara aquifer in South Dakota primarily receives recharge from precipitation on the outcrops of the Black Hills. The outcrop area of the Inyan Kara aquifer in the Black Hills, South Dakota is estimated to be 267,806 acres with a total estimated precipitation-only recharge of 14,406 acre-feet per year (Medler & others, 2025). This estimate does not account for leakage from underlying aquifers in areas that were not included in the study area (Medler & others, 2025).

The Inyan Kara aquifer also receives recharge from inflow of groundwater from adjacent aquifers when the hydraulic head of Inyan Kara aquifer is lower than adjacent aquifers (Lobmeyer, 1985). Bredehoeft & others (1983) attempted to model flows between the different aquifers. The model estimated that approximately 22.7 cfs or 16,000 acre-feet per year flows from the Madison group to the Inyan Kara aquifer. It should be noted the Madison Group as described in Bredehoeft & others (1983) which is frequently taken from older studies, describes a portion of the Madison Group primarily in eastern South Dakota where it, the Inyan Kara Group and Dakota-Newcastle sandstone, can blend together at the eastern extents of the Madison and Inyan Kara groups. In the Black Hills area, the Madison Group is geologically separated from the Dakota-Newcastle Sandstone described in Bredehoeft & others (1983) by several aquifers and impermeable shales, some of which were lumped into the Madison Group description in Bredehoeft & others (1983) (Fahrenbach & others, 2010). While the models rely on dated information and assumptions, this is currently the only available estimate of recharge to the Inyan Kara aquifer from underlying aquifers. Collectively, the estimated average annual recharge to the Inyan Kara aquifer in South Dakota is 30,406 acre-feet per year (Bredehoeft & others, 1983; Medler & others, 2025).

Discharge

Discharge from the Inyan Kara aquifer is from leakage to adjacent aquifers or hydrologically connected surface water features, regional groundwater outflow east of the Black Hills, evapotranspiration where the aquifer is at or near land surface, uncontrolled flowing wells, and well withdrawals (Driscoll and Carter, 2001; Water Rights, 2025c). It is not currently known how much water is being discharged from uncontrolled wells. The impermeable Skull Creek Shale separates the Inyan Kara aquifer from the overlying Dakota formation except in eastern South Dakota where the shale is not present, and water in the Inyan Kara aquifer flows to the Dakota aquifer (Fahrenbach & others, 2010; Bredehoeft & others, 1983).

There are currently 212 active water rights/permits appropriating water from the Inyan Kara aquifer, one future use permit reserving water, and one other water permit application (No. 2686-2) to appropriate water from the Inyan Kara aquifer (Water Rights, 2025c). Water Permit Application No. 2686-2 for Powertech (USA), Inc. is being held in abeyance pending action on federal permits and proposes to appropriate 274.2 acre-feet per year. It should also be noted that this application intends to replace Water Permit No. 8787-3 if approved. This application proposes to use 72.4 acre-feet of water which is less than what is currently authorized by Water Permit No. 8787-3 (225 acre-feet). Future Use Permit No. 1780-2 for the Town of New Underwood reserves 142 acre-feet per year. For the hydrologic budget, it will be assumed that water reserved by the future use permit and the proposed appropriation by Application No. 2686-2 will be fully developed. This application, however, will not be considered for contributing to the hydrologic budget since it is intended to replace Water Permit No. 8787-3 which has a much greater appropriation than this application and is thus accounted for already. Water Permit No. 2334A-2 was recently approved for non-irrigation use. However, since the amendments offer no changes to the diversion rate to the previous water right (2334-2), Water Permit No. 2334A-2 is already accounted for in the hydrologic budget.

Of the 212 active water rights/permits, 197 are primarily for a non-irrigation use. Of the 197 water rights/permits that are for a non-irrigation use, 16 are currently used for large concentrated animal feeding operations (CAFOs). This information was found by searching the SD DANR Livestock Services permitting database (2025). The annual use for these permits was estimated by multiplying the number of permitted animals by the average daily use for each type of animal permitted (Table 1) (Meehan & others, 2021; Water Rights, 2025c).

Water Right Nos. 2552-2 and 6628-3 had their General Permit terminated. Water Right No. 7209-3 is not on the CAFO permitting database; although, it is included in previous reports and Water Permit No. 8197-3 is no longer a large feedlot (CAFO Permitting Database, 2025; Water Rights, 2025c). For these four water rights/permits, annual use will be quantified with the other non-irrigation water rights that are not used for a large CAFO on Table 4. Water Permit No. 8607-3 is an active feedlot but is not included on Table 1 as the permit holder is required to report to the Chief Engineer and the estimated use will be quantified with those water rights/permits instead. The total estimated annual use for large CAFO water rights/permits using the above method is 1,665 acre-feet per year.

Table 1. Estimated annual water use for active Inyan Kara CAFO water rights/permits (CAFO Permitting Database, 2025; Water Rights, 2025c).

Water Permit No.	Name	Feedlot Status	Animal Type	Annual Estimated Use (acre-feet)
4965-3	Dakota Feeding Company LLC	Active	Beef Cattle	168
2178-2	Fall River Feed Yard LLC	Active	Beef Cattle	280
5879-3	Danbred Production Partnership	Active	Beef Cattle	49
6011-3	Plainview Colony	Active	Multi	81
6091-3	Brentwood Colony	Active	Multi	50
6376-3	LDL Cattle Company	Active	Beef Cattle	112
6377-3	Werdel & SonsW	Active	Beef Cattle	112
6619-3	Todd Cowan	Active	Beef Cattle	46
6851-3	Todd Cowan	Active	Beef Cattle	46
7034-3	Vogel & Sautner Farms	Active	Beef Cattle	45
5032-3	Marshall Farms	Active	Dairy Cattle	488
5890-3	Evergreen Colony	Active	Multi	45
6128-3	Deerfield Hutter Brethren	Active	Multi	52
6257-3	Thunderbird Colony	Active	Multi	84
7098-3	Mike & Jesse Fuller	Active	Multi	53
TOTAL				1,665

Of the 197 active water rights/permits that are for a non-irrigation use, 11 are currently known by DNR to purchase water from a rural water system, are supplied by another municipality, or maintain their wells on standby or backup use, in accordance with ARSD 74:02:01:37.02 (Friedeman and Hullinger, 2025; Water Rights, 2025c). Past practice of the Water Rights Program has been to assume negligible use for these water rights/permits. Table 2 below lists the 11 water rights/permits that will be assumed to use zero acre-feet of water per year.

Water Right No. 2279-3 for Camelot Land is supplied by Mid-Dakota RWS since the early 200's; (Dewell, 2025). Therefore, its use will be considered negligible to the hydrologic budget .

Water Right No. 6735-3 for the City of Eureka purchases 74% of their water from WEB (Drinking Water Program, 2025). The remaining 26% is pumped locally and will contribute to the hydrologic budget with the other non-irrigation water rights/permits.

Table 2. Non-irrigation water rights/permits currently known to be served by another system or maintain wells for standby/backup and are assumed to have negligible use (Drinking Water Program, 2025; Water Rights, 2025c).

Permit No.	Name	Use Type	Current status	Source
473-1	Town of Fruitdale	MUN	Served by Butte-Meade SWD	Drinking Water Program, 2025
595-3	City of Onida	MUN	Served by Mid-Dakota RWS	Drinking Water Program, 2025
1198-3	Town of Mound City	MUN	Served by WEB Water Dev. Assoc.	Drinking Water Program, 2025
1195-1	American Colloid Company	IND	Backup water supply	Water Rights, 2025a
1338-1	Black Hills Petrified Forest	COM	Maintained on standby	Water Rights, 2025a
1712-3	City of Ipswich	MUN	Served by WEB Water Dev. Assoc.	Drinking Water Program, 2025
2442-2	Rainbow Water Co. Inc.	SHD	Served by Rapid City	Friedeman and Hullinger, 2025
2263-2	Town of Belvidere	MUN	Served by West River/Lyman-Jones RWS	Friedeman and Hullinger, 2025
1647-2	Town of Quinn	MUN	Served by West River/Lyman-Jones RWS	Friedeman and Hullinger, 2025
2224-3	Sunshine Acres Water System	SHD	Served by rural water	Friedeman and Hullinger, 2025
1360-2	Aladdin Investments Inc	SHD	Served by rural water	Friedeman and Hullinger, 2025
SWD: Sanitary Water District, RWS: Rural Water System, MUN: Municipal, IND: Industrial, COM: Commercial, SHD: Suburban Housing Development				

The DANR Drinking Water Program requires public water systems to report their annual average production rate. The reported average production in gallons per day (found on their drinking water annual report) can be converted to acre-feet per year for a typical annual use estimate. This data is only being used for the water rights/permits that are not required to report annual use to the Chief Engineer and, if the Inyan Kara aquifer is their only source of water. Of the 197 active water rights/permits that are for a non-irrigation use, 17 water rights meet the above criteria to use this data for the budget. Table 3 lists those water rights that had their use quantified with data from the Drinking Water Program annual report. The total estimated use from these 17 water rights/permits is approximately 350 acre-feet per year.

Table 3. Typical use for public water systems that had their average annual use quantified using the DANR Drinking Water Program production rate data (Drinking Water Program, 2025; Water Rights, 2025c).

Permit No.	Name	Use Type	Estimated annual use (ac-ft)
716-1	City of Newell	MUN	50
731-1		MUN	
1793-1	Autumn Meadows Sanitary District	SHD	4
1597-1	Crooked Oaks Canyon Homeowners	SHD	4
2448-2	Heartland Country Ranchettes	SHD	7
1861-1	Horseshoe Acres Water Association	SHD	16
1278-2	Lakeside Water Users District	RWS	68
1656-1	Lofty Pines Homeowners	SHD	4
2268-2	Prairie Acres LLC	SHD	22
794-2	Town of Buffalo Gap	MUN	13
660-2		MUN	
1947-2	Town of New Underwood	MUN	55
366-1	Town of Nisland	MUN	17
927-1	St Onge Sewer & Water Co.	MUN	21
1799-1	Deep Water LLC (Dry Creek Estates)	SHD	21
2425-2	Country Road Estates LLC	SHD	7
2414-2	Signature Water Co LLC (Ranch at Black Gap)	SHD	44
TOTAL			354

MUN: Municipal, SHD: Suburban Housing Development, RWS: Rural Water System

Of the 197 active water rights/permits that are for a non-irrigation use, 48 are required to report their annual use from the Inyan Kara aquifer to the Chief Engineer (Water Rights, 2025f). To get a representative average of water use, the Water Rights Program have historically used at least 10 years of reported data (years 2015 to 2024) or data that has slightly less than ten years of reporting but have consistent use volumes. Water rights/permits which do not have adequate data or are still in their construction periods were assumed to use their authorized annual volume of water. Table 4 below lists those water rights/permits which are required to report to the Chief Engineer. The total estimated annual use from Table 4 is approximately 3,900 acre-feet per year.

Water Permit No. 8334-3 for Gettysburg County Club is for irrigation use but is included on Table 4 since the permit holder is required to report annual use to the Chief Engineer. Water Permit No. 8607-3 for Spring Creek Hutterian Brethren is an active feedlot but is also included on Table 4 as previously mentioned. Water Right/Permit Nos. 1975-1, 1975A-1, and 1855-1 for Wink Cattle Co. have had reporting inconsistencies in the past (Drennon, 2024) and Water Permit No. 1975A-1 contains Findings of Fact in its file which state that use from all three water permits shall not exceed 57.2 acre-feet per year. Therefore, it will be assumed that Wink Cattle Co. uses their full authorized volume each year (Water Rights, 2025c).

Report on Water Permit Application No. 8972-3

Table 4. Annual estimated withdrawals from water rights/permits required to report to the Chief Engineer (Water Rights 2025c and 2025f).

Permit No.	Name	Status	Authorized Rate (cfs)	Authorized annual volume (ac-ft)	Method	Average Yearly Use (ac-ft)
2165-2	Tightline Lake Estates HOA	LC	0.070	N/A	Average Reported	8.62
1982-1	Dennis Miller	PE	0.333	120	Authorized Volume	120
2754-2	Steve Simunek	LC	0.100	N/A	Average Reported	16
2778-2	Western Construction Inc	PE	0.170	31	Authorized Volume	31
1975-1		PE	0.069	N/A		
1975A-1	Wink Cattle Co	PE	0.000	N/A	Authorized Volume	57.2
1855-1		LC	0.087	N/A		
8607-3	Spring Creek Httrn Brth Inc	PE	0.220	100	Authorized Volume	100
8635-3	Big Watt Digital SD LLC	PE	0.890	76.7	Authorized Volume	76.7
1903-1	Castle Rock Group	LC	0.110	N/A	Average Reported	18.6
8420-3	Vogel Farms Ptr	PE	0.120	88.7	Authorized Volume	88.7
1983-1	Continental Resources	PE	0.500	360	Authorized Volume	360
8299-3	Aberdeen Energy LIC	PE	1.330	968	Authorized Volume	968
1989-1	Luff Exploration Company	PE	0.100	58.8	Authorized Volume	58.8
2550-2	Town of Hermosa	LC	0.220	162	Average Reported	55
2596-2	City of Wall	LC	0.600	261	Average Reported	174
1906-1	City of Sturgis	LC	0.222	N/A	Average Reported	2.7
1958-1		LC	0.088	8.1		
2285A-2		LC	0.560	N/A		
2464-2	West River Lyman Jones RWS	LC	0.760	360	Average Reported	476
2465-2		LC	1.000	360		
2797-2		LC	1.000	455		
1874-1	Viewfield Rural Water Assoc Inc	LC	0.212	N/A	Average Reported	60
1898-1		LC	0.394	N/A		
2622-2	Owanka Rural Water Assoc Inc	LC	0.390	N/A	Average Reported	27.6
2538-2	JKRK Properties LLC	PE	0.244	N/A	Average Reported	22
2752-2		PE	0.330	170	Average Reported	
2752A-2	Southern Black Hills Water System	PE	0.000	N/A	(2024-2016)	26
2543-2		LC	0.190	N/A		
2819-2	Fall River Water Users District	PE	0.090	24.6	Authorized Volume	24.6
2635-2		LC	0.100	N/A	Average Reported	21
1826-1	Golden Valley Water Company LLC	LC	0.267	N/A	Average Reported	27
1837-1	Guy Mann	LC	0.220	N/A	Average Reported	6
1846-1	Dennis or Anna Mae Beckham	LC	0.100	N/A	Average Reported	0.86
2601-2	Grandview Land LLC	LC	0.330	206.0	Average Reported (2024-2017)	3.3
1920-1	Elk Valley Ranchettes HOA	LC	0.100	N/A	Average Reported	6.6
1968-1	Venekamps LLC	LC	0.110	29	Authorized Volume	29
1996-1	Dylan Gingras	PE	0.133	48	Authorized Volume	48
1999-1	Rafter Properties LLC	PE	0.170	74	Authorized Volume	74
2832-2	Reel Simple LLC	PE	0.044	10	Authorized Volume	10
2032-1	Elk Creek Developers LLC	PE	N/A	30	Authorized Volume	30
8334-3	Gettysburg Country Club	PE	0.180	N/A	Average Reported (2024-2018)	26
1857-1	Shade Valley Inc	LC	0.330	N/A	Average Reported	0.7
1645-2	Hermosa Water Users Assoc	LC	0.600	N/A	Average Reported	170
2841-2	Hwy 79 LLC	PE	0.890	217.9	Authorized Volume	217.9
2830-2	Weinreis Brothers	PE	0.330	160	Authorized Volume	160
8787-3	Cheryl E Nelson	PE	0.620	225	Authorized Volume	225
8197A-3	Mina North LLC	PE	0.160	72.1	Authorized Volume	72.1
8197-3		PE				
TOTAL						3,898

The remaining 105 non-irrigation water rights/permits are not required to report to the Chief Engineer and do not meet the criteria to use production data reported to the Drinking Water Program. These water rights/permits are estimated for average annual use in one of two ways: water rights/permits limited by an annual volume are assumed to pump the entire volume, or water rights limited only by a diversion rate have historically been assumed to pump 60% of the time throughout the year at that rate. These are standard methods used by the Water Rights Program to estimate annual use by non-irrigation water rights/permits that do not have reported data (Water Rights, 2025c). The total estimated annual use for these remaining 105 non-irrigation water rights/permits is approximately 6,925 acre-feet per year.

Of the 212 active water rights/permits, 15 are primarily for irrigation use. Irrigation water rights/permits have typically been required to report annual usage on an irrigation questionnaire since 1979; however, reported irrigation data is only available since 1982 for the Inyan Kara aquifer. Table 5 lists the number of active permits and the annual reported use for each year since 1982. The average reported withdrawals for the years 1982 to 2023 is approximately 82 acre-feet per year. The average reported withdrawals for the years 2014 to 2023 is approximately 115 acre-feet per year. To reflect the current development of irrigation water rights/permits, the average reported withdrawals for irrigation appropriations from 2014 to 2023 will be used for the hydrologic budget (Water Rights, 2025a).

Table 5 shows there are only 10 water rights/permits that reported in 2023 when 15 are currently active. Water Right No. 380-2 stopped reporting in 1986, No. 466-1 stopped reporting in 1996 but is currently irrigating and will be sent irrigation questionnaires in the future, No. 990-2 stopped reporting in 1995, and No. 2426-2 has not reported but will be receiving irrigation questionnaires in the future. Water Permit No. 8334-3 is not required to submit an irrigation questionnaire and instead reports annual use to the Chief Engineer with the non-irrigation questionnaires. Water Right No. 466-1 states in the file that the Inyan Kara well was flowing at 100 gallons per minute in 1985. Assuming that the well is flowing uncontrolled year-round at that rate, Water Right No. 466-1 is assumed to withdraw 160 acre-feet per year. Additionally, Water Right No. 803-2 wasn't reporting from 2002 through 2022, and Water Permit No. 8455-3 is within its construction period and has not reported withdrawals yet. Water Right Nos. 380-2, 990-2, 2426-2 and 803-2, and Water Permit No. 8455-3, are assumed to apply 12 inches of water per permitted acre. Generally, irrigators in South Dakota apply less than one foot of water per acre per year. To account for fluctuations in wet and dry years, the one foot of water per acre per year application rate will be used to somewhat overestimate the annual withdrawal rate for the five permits listed above. The estimated average annual water use by irrigation water rights/permits from the Inyan Kara aquifer is approximately 430 acre-feet per year (315 acre-feet for non-reporting, plus 115 acre-feet for reporting) (Water Rights, 2025c).

Table 5. Reported historic irrigation use from the Inyan Kara aquifer (Water Rights, 2025a).

Year	No. of Permits	Reported Use (acre-feet)	Year	No. of Permits	Reported Use (acre-feet)
1982	5	2.53	2003	6	111.90
1983	7	33.17	2004	7	143.48
1984	8	4.50	2005	7	132.51
1985	8	244.60	2006	8	136.04
1986	7	4.00	2007	8	141.86
1987	6	38.00	2008	9	130.51
1988	6	54.10	2009	9	98.93
1989	8	18.82	2010	9	112.57
1990	8	33.50	2011	9	129.79
1991	9	25.12	2012	9	188.76
1992	9	26.00	2013	9	146.48
1993	9	36.41	2014	9	112.25
1994	9	30.56	2015	7	105.82
1995	10	37.42	2016	7	177.81
1996	8	19.81	2017	8	183.55
1997	8	6.00	2018	9	99.92
1998	8	20.75	2019	10	70.61
1999	6	14.18	2020	11	95.46
2000	6	25.27	2021	11	114.27
2001	6	53.23	2022	10	97.11
2002	7	87.83	2023	10	97.22
Max.	11	244.60			
Min.	5	2.53			
Average (1979-2023)	8	81.97			
Average (2014-2023)	9	115.40			

There are domestic wells completed into the Inyan Kara aquifer that do not require a water right/permit, so the withdrawal amount from those wells is unknown (Water Rights, 2025d). Due to their relatively low diversion rates, withdrawals from domestic wells are not considered to be a significant portion of the hydrologic budget. Additionally, with the development of rural water systems in areas where the Inyan Kara aquifer is available; it is likely some domestic users may have transitioned to rural water. Therefore, the quantity of water withdrawn by domestic wells is estimated to be negligible to the hydrologic budget for the Inyan Kara aquifer.

There is likely a number of wells completed into the Inyan Kara aquifer that do not have a well completion report on file with the DNR-Water Rights Program. The current status of many of these wells is unknown and could range from controlled and being put to beneficial use to uncontrolled with some beneficial use. There are also a number of uncontrolled flowing Inyan Kara aquifer wells that flow to waste. The volume of water flowing to waste from the Inyan Kara aquifer has not, and likely cannot, be accurately quantified due to the location of all such wells not being known. The Water Management Board has previously determined, for the Dakota aquifer, water flowing to waste through uncontrolled flowing wells is not a beneficial use and does not constitute appropriation pursuant to SDCL 46-6-3.1 (Water Rights, 1987). Since discharge from uncontrolled flowing wells is likely to continue until artesian head pressure in the

aquifer declines to being at or below ground surface, continuing to allow beneficial pumping to occur reduces the amount of water being discharged to waste. Therefore, the Water Management Board has allowed continued development from the Dakota aquifer. This conclusion likely applies to the Inyan Kara aquifer as well.

Hydrologic Budget Summary

Recharge to the Inyan Kara aquifer is estimated to be 14,406 acre-feet per year from precipitation in the Black Hills of South Dakota (Medler & others, 2025), plus 16,000 acre-feet per year is the estimated recharge from underlying aquifers (Bredehoeft & others, 1983). Table 6 below is a summary of estimated withdrawals from active Inyan Kara water rights/permits. The estimated average annual withdrawal from the Inyan Kara aquifer is approximately 13,688 acre-feet. The Inyan Kara aquifer is a major bedrock aquifer in South Dakota and is estimated to hold 84.7 million acre-feet in storage (Carter & others, 2002). The estimated withdrawals are close to the precipitation-only recharge estimate for the aquifer. There is a reasonable probability that water is available for appropriation. Based on the hydrologic budget, there is a reasonable probability unappropriated water is available from the Inyan Kara aquifer for the proposed appropriation especially considering this application would replace Water Permit No. 8787-3 and thus, reduce the appropriation and estimated average annual withdrawals from the Inyan Kara aquifer.

Table 6. Summary of annual withdrawal estimates for the Inyan Kara aquifer (Water Rights, 2025a, 2025c, 2025d; CAFO Permitting Database, 2025; Drinking Water Program, 2025; Friedeman and Hullinger, 2025).

Type of Withdrawal	No. of Permits	Estimated Use (acre-feet/year)
Application No. 2686-2	1	274
Future Use Permit No. 1780-2	1	142
Non-Irrigation, CAFO	16	1,665
Non-Irrigation, Served by Another System	12	0
Non-Irrigation, Drinking Water Program Data	17	354
Non-Irrigation, Report to the Chief Engineer	48	3,898
Non-Irrigation, the Remaining Water Rights/Permits	105	6,925
Irrigation, (including non-reporting permits)	15	430
Total:	216	13,688

OBSERVATION WELL DATA:

Administrative Rule of South Dakota (ARSD) 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 to the aquifer.

The DANR-Water Rights Program monitors nine observation wells completed into the Inyan Kara aquifer. The observation wells provide data on how the aquifer reacts to regional climatic conditions and local pumping. The closest observation well to the diversion points is ED-85B (approximately 64.4 miles northwest) (Water Rights, 2025b). The water level elevation for this observation well is displayed in Figure 1 (Water Rights, 2025b). The other eight observation

wells are located more than 170 miles west of the diversion point in the Black Hills of South Dakota. The water levels of the eight observation wells located in the Black Hills have a stable or rising trend in their periods of records.

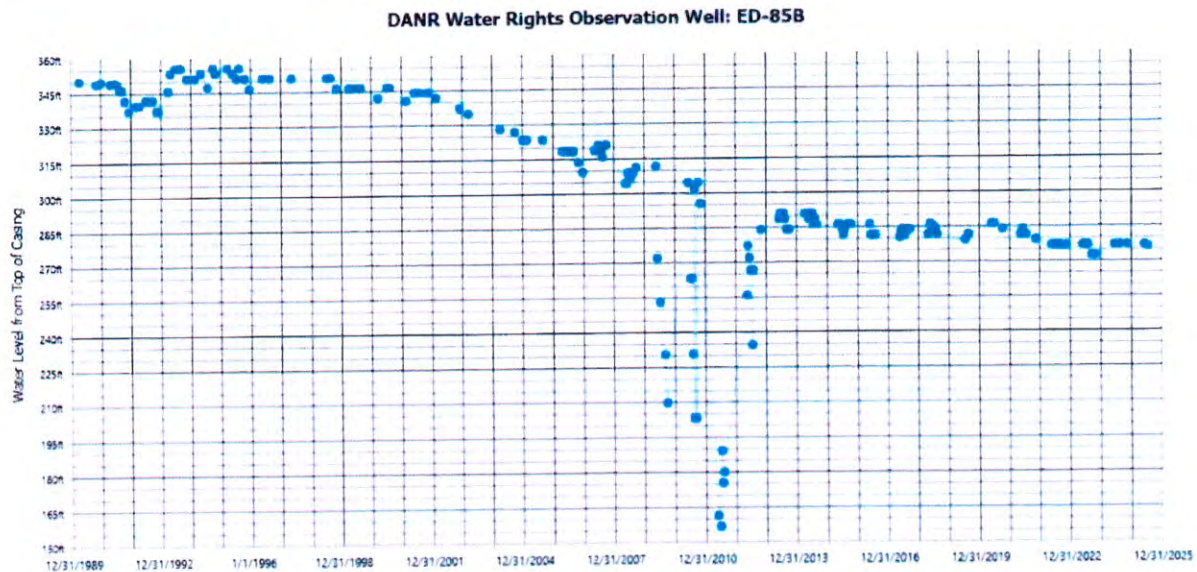


Figure 1. A hydrograph showing the elevation of water levels of observation well ED-85B (Water Rights, 2025b)

Figure 1 shows the long-term declining water level of observation well ED-85B. Water levels start relatively stable, declined slowly from 1999 to approximately 2015, and then started stabilizing again. There are numerous wells completed into the Inyan Kara aquifer that are uncontrolled flowing wells and/or have corroded or inadequate casing (Water Rights, 2025a and 2025b). The decline in head for ED-85B is likely due to development of Inyan Kara wells and uncontrolled flowing wells in the area of the observation well.

A decline in water levels in a confined aquifer does not necessarily indicate a significant decrease in water stored in a confined aquifer, since the water level above the top of the aquifer formation is a representation of the hydraulic head. It is probable that the aquifer hydraulic head in the area around ED-85B will eventually reach a static equilibrium as the aquifer experiences free flowing wells, corroded well casings allowing water to flow to adjacent aquifers, and pumping. The head of the aquifer will likely decline until it is equal to the hydraulic head of the lowest-pressure aquifer that the Inyan Kara aquifer leaks into. The Water Management Board has determined in the past that it is better to place water from the Dakota aquifer to beneficial use than it is to allow the water to flow to waste or save it for unknown purposes (Water Rights, 1987). This conclusion likely also applies to the Inyan Kara aquifer as well.

POTENTIAL FOR UNLAWFUL IMPAIRMENT OF EXISTING WATER RIGHTS:

The closest water right/permit (not held by the applicant) to the proposed diversion point is Water Right No. 8334-3 for irrigation which is held by the Gettysburg Country Club. The diversion point for Water Right No. 8334-3 is located approximately 12.6 miles northwest from the proposed application site (Water Rights, 2025c). There are domestic wells on file with the

DANR-Water Rights Program that are completed into the Inyan Kara aquifer, with the closest domestic well on file (not held by the applicant) approximately 4.6 miles south of the proposed diversion point based on the location identified by the well driller on the well completion report submitted by the driller (Water Rights, 2025d). There could potentially be other domestic wells completed into the Inyan Kara aquifer near the diversion point that are not on file with the DANR-Water Rights Program.

The Inyan Kara aquifer is primarily under confined conditions (Water Rights, 2025b and 2025d). In a confined aquifer, drawdown from a pumping well can extend some distance from the well. The Water Management Board recognizes that putting water to beneficial use requires a certain amount of drawdown to occur. The Board has developed rules to allow water to be placed to maximum beneficial use without the necessity of maintaining artesian head pressure for domestic use. The Water Management Board defined an “adversely impacted domestic well” in ARSD 74:02:04:20(7) as:

“A well in which the pump intake was set at least 20 feet below the top of the aquifer at the time of construction or, if the aquifer is less than 20 feet thick, is as near to the bottom of the aquifer as is practical and the water level of the aquifer has declined to a level that the pump will no longer deliver sufficient water for the well owner’s needs.”

The Water Management Board considered the delivery of water by artesian head pressure versus maximum beneficial use during the issuance of Water Right No. 2313-2 for Coca-Cola Bottling Company of the Black Hills. The Board adopted the Findings of Facts and Conclusions of Law that noted the reservation of artesian head pressure for delivery of water would be inconsistent with SDCL 46-1-4 which states, “general welfare requires that the water resources of the state be put to beneficial use to the fullest extent of which they are capable...” (Water Rights, 1995). Furthermore, the Water Management Board found if increased cost or decreased production as a result of impacts on artesian head pressure by legitimate users is to be considered as an unlawful impairment, it would also conflict with SDCL 46-1-4 (Water Rights, 1995). Reviewing the complaint files for Sully, Potter, and Hyde Counties do not show any record of well interference complaints for Inyan Kara aquifer wells (Water Rights, 2025e). However, there were several complaints regarding uncontrolled flowing wells causing flooding issues. Only one of the uncontrolled flowing wells was identified as part of the Inyan Kara aquifer, the other flowing wells were from an undetermined bedrock aquifer (Water Rights, 2025e). When considering the statutes (SDCL 46-1-4 and 46-6-6.1), rules (ARSD 74:02:04:20 (6) and (7)) and the saturated thickness of the Inyan Kara aquifer, the existence of these wells for a number of years, and lack of well interference complaints in Sully, Potter, and Hyde Counties, any drawdown created from the diversion is not expected to cause an unlawful impairment to existing water right/permit holders or domestic users with adequate wells. Therefore, there is a reasonable probability that any interference from the proposed appropriation will not impose unlawful impairments to existing users with adequate wells.

SPECIAL CONSIDERATION: WELL CONSTRUCTION

Any additional or replacement wells that may be constructed for this proposed appropriation must meet the adequate well construction standards as defined in ARSD 74:02:04:20, specifically defined in 74:02:04:20(6):

"A well constructed or rehabilitated to allow various withdrawal methods to be used, to allow the inlet to the pump to be placed not less than 20 feet into the saturated aquifer or formation material when the well is constructed, or to allow the pump to be placed as near to the bottom of the aquifer as is practical if the aquifer thickness is less than 20 feet."

The alternative well construction requirements for certain Inyan Kara aquifer wells (74:02:04:36) are not permitted for appropriative uses. Furthermore, any future additional or replacement wells shall meet the adequate well construction standard as defined in ARSD 74:02:04:20.

SPECIAL CONSIDERATION: FLOODING FROM DISCHARGE OF WELLS

A complaint was filed in January 2023 regarding flow from the applicant's wells causing flooding in and around a wildlife production area commonly called Nelson Lake in northeastern Sully County. Water Rights Program staff investigated and determined there were three flowing wells that had discharge that eventually entered Nelson Lake. Two of those wells are used for geothermal heating of lodging facilities and are the reason for this application. The remaining well services a stock dam. At the time of the investigation, no livestock were present in the area of the stock dam and the applicant's staff and legal counsel were informed that flow from the well had to be limited to the allowed 5 gallons per minute (gpm) or less to prevent freezing as required under ARSD 74:02:04:74. The well authorized under Water Right No. 6418-3, also held by the applicant, flows to a pond that would discharge to Okobojo Creek and not into Nelson Lake. Water Rights Program staff determined that while the wells were contributing to the water level of Nelson Lake, the upstream lake, Stone Lake, was actively flowing into Nelson Lake. The inflow from Stone Lake was believed to be the primary cause of the high water levels of Nelson Lake and not the discharge from the applicant's wells.

Due to the complaint, Water Right No. 8787-3 was obtained. However, modification of the discharge location/direction away from Stone and Nelson Lakes to alleviate flooding concerns was deemed too costly by the applicant. Thus, this application was submitted with the intent to have no discharge from the system into Nelson Lake, boilers were installed to eliminate flow from the wells for geothermal heating, thus reducing the flow rate from the wells, and only supplying water to maintain the decorative pond and the large slough.

CONCLUSIONS:

1. Water Permit Application No. 8972-3 proposes to appropriate up to 72.4 acre-feet of water at a maximum pump rate of 0.10 cfs from two existing wells (Well Nos. 2 & 4) completed into the Inyan Kara aquifer (approximately 2,120 feet deep) located in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 7 (Well No. 2) and NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 8 (Well No. 4); both in T116N-R74W.

Water from Well No. 4 will be diverted at a rate of up to 40 gpm to a large slough located in the E ½ NE ¼ Section 7, W ½ NW ¼ Section 8, and from Well No. 2 at a rate of up to 5 gpm to a pond located in the NW ¼ SW ¼ Section 7; all in T116N-R74W for recreational, and fish & wildlife purposes. This site is located approximately eleven miles southeast of Gettysburg, SD in Sully County.

2. This application is intended to replace existing Water Permit No. 8787-3 and, as such, does not authorize any increase in the appropriation authorized by Water Permit No. 8787-3. If this application is approved, Water Permit No. 8787-3 can be canceled.
3. Based on observation well data and the hydrologic budget, there is a reasonable probability that unappropriated water is available from the Inyan Kara aquifer to supply the proposed appropriation. Furthermore, this application will be a replacement for existing Water Permit No. 8787-3 which authorizes a larger annual appropriation than this application would if approved.
4. There is a reasonable probability that the diversion by Water Permit Application No. 8972-3 will not unlawfully impair adequate wells for existing water rights/permits and domestic uses.
5. If this application is approved, any future replacement wells or new wells must meet the adequate well definition and cannot be constructed using the alternative well construction standard in ARDS 74:02:04:36.



Tyler Jensen
Natural Resources Engineer II
SD DANR - Water Rights Program

Reviewed by:



Adam Mathiowetz, PE
Natural Resources Engineer IV
SD DANR - Water Rights Program

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**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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**RECOMMENDATION OF ACTING CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 8972-3, Cheryl E. Nelson and Erik L. Nelson**

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. 8972-3, Cheryl E. Nelson and Erik L. Nelson, 612 S Exene Street, Gettysburg SD 57442.

The acting Chief Engineer is recommending APPROVAL of Application No. 8972-3 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. The wells approved under Water Permit No. 8972-3 are 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.
2. The wells approved under Permit No. 8972-3 must be valved and the flow reduced to the amount needed or to a minimum not to exceed five gallons per minute when not being used. If any of the wells are abandoned or the Permit cancelled, the wells must be plugged in accordance with Water Management Board Rules, Chapter 74:02:04.
3. If the slough receiving flow from well No. 4 is spilling water to the Ficher-Nelson Waterfowl Production Area, the flow from well No. 4 must be reduced to a minimum not to exceed five gallons per minute.
4. The Permit holder shall report to the Chief Engineer annually the amount of water withdrawn from the Inyan Kara aquifer.
5. Water Permit No. 8972-3 authorizes a total annual diversion of up to 72.4 acre-feet of water from the Inyan Kara aquifer.

Further, the applicants seeking approval of Application No. 8972-3, constitutes abandonment of Water Permit No. 8787-3 which will be scheduled for cancellation consideration by the Water Management Board. See report on application for additional information.

Mark Mayer 9/25/25

Mark Mayer, PE
Director of Office of Water
September 25, 2025

NOTE: The existing wells for this application as constructed do not meet the adequate well definition in the South Dakota Well Construction Standards (Administrative Rules of South Dakota (ARSD) Chapter 74:02:04). If new or replacement wells are completed to meet the requested diversion rate, the wells must be completed in accordance with ARSD Chapter 74:02:04. Any future wells **cannot** be constructed using the alternative construction method set forth in ARSD 74:02:04:36 since this is an appropriative use which requires a water permit.

Form 8

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
) SS
County of Sully)

I, Curtis R. Olson

certify that the attached printed Notice was
taken

from the Onida Watchman

printed and published in Onida

County of Sully and

State of South Dakota. The notice was
published

in the newspaper on the following date:

October 23, 2025

Cost of Printing \$83.40


(Signature)

PUBLISHER

(Title)

10/31/2025

(Date Signed)

Classified Ads

Public Notices

NOTICE OF HEARING on Application No. 8972-3 to Appropriate Water

Notice is given that Cheryl E. Nelson and Erik L. Nelson, 812 S Exene Street, Gettysburg SD 57442, have filed an application for a water permit to appropriate up to 72.4 acre-feet of water annually at a maximum combined pump rate of up to 0.10 cubic feet of water per second (cfs) (45 gallons per minute) from two existing wells (Well No. 2 & Well No. 4) completed into the Inyan Kara Aquifer (both approximately 2,120 feet deep) located in the NW 1/4 SW 1/4 Section 7 (Well No. 2), and NE 1/4 NW 1/4 Section 8 (Well No. 4); both in T116N-R74W. Water from Well No. 4 will be diverted at a rate of up to 40 gallons per minute to a large slough located in the E 1/2 NE 1/4 Section 7, W 1/2 NW 1/4 Section 8, and from Well No. 2 at a rate of up to 5 gallons per minute to a pond located in the NW 1/4 SW 1/4 Section 7, all in T116N-R74W for recreational, and fish & wildlife purposes. This application is intended to replace existing Water Permit No. 8787-3 and, as such, does not authorize any increase in the appropriation authorized by Permit No. 8787-3. This site is located approximately eleven miles southeast of Gettysburg SD.

South Dakota Codified Law (SDCL) 46-2A-4(10) provides that "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 Acting Chief Engineer's recommendation and no hearing may be held before the board, unless the Acting Chief Engineer makes a finding that an application, even if uncontested, presents important issues of public policy or public interest that should be heard by the board." In this case, the Acting Chief Engineer finds that this application presents important issues of public interest that should be heard by the Water Management Board.

Pursuant to SDCL 46-2A-2, the Acting Chief Engineer recommends APPROVAL of Application No. 8972-3 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. 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.

The Water Management Board will consider this application at 10:30 AM (Central Time) on December 3, 2025, in the Matthew Training Center, Joe Foss Bldg, 523 E. Capitol Ave., Pierre SD. The Acting Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny this application based on the facts presented at the public hearing.

Any person who intends to participate in the hearing 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 November 3, 2025.

The petition shall be in writing and 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. The hearing is an adversary proceeding and any party has the right to be present at the hearing and to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised at the hearing and decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

The December hearing date will be automatically delayed for at least 20 days upon written request to the Acting Chief Engineer from the applicant or any person who has filed a petition to oppose the application. The request for an automatic delay must be filed by November 3, 2025. If an automatic delay is requested, the hearing will be rescheduled for a future Board meeting and personal notice will be provided to the applicant and all petitioners regarding the time, date, and location.

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 November 3, 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 November 3, 2025. However, since this particular matter is a water permit application 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.

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 46-1-18, 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; and Board Rules ARSD 74.02 01.01 thru 74.02 01.25, 74.02 01.35.01.

Published October 23, 2025 at the total approximate cost of \$83.40 or may be viewed free of charge at www.sdpublishonics.com. (278)-43

CITY OF ONIDA NOTICE OF HEARING MALT BEVERAGE LICENSE

NOTICE IS HEREBY GIVEN that on Monday, November 3rd, 2025 at 7:30 p.m. at the Onida City Office, there will be a hearing for a retail (on-off sale) Malt Beverage and South Dakota Farm Wine hearing for Tunes and Friends, LLC, 212 South Main Street, (Lots 8,9, and 10, Block 4, Original Town, Onida, Sully County, South Dakota).

NOTICE IS FURTHER GIVEN that any person(s) or their attorney may appear and be heard at said scheduled public hearing who are interested in the approval or rejection of any such license.

Dated at Onida, South Dakota, this 8th day of October, 2025. Rondha Hiller

Finance Officer
Published October 16th and 23rd, 2025 at the total approximate cost of \$18.36 or may be viewed free of charge at www.sdpublishonics.com. (34)-42-43

Published October 16th and 23rd, 2025 at the total approximate cost of \$18.36 or may be viewed free of charge at www.sdpublishonics.com. (34)-42-43

NOTICE TO CREDITORS

File No. 59PRO25-000006
STATE OF SOUTH DAKOTA)
COUNTY OF SULLY)
IN CIRCUIT COURT: SS
SIXTH JUDICIAL CIRCUIT)
Estate of)
CAROL L. HANSEN,)
Deceased.)

Notice is given that on the 22nd day of September, 2025, Katherine A. Donahue was appointed as Personal Representative of the estate of CAROL L. HANSEN.

Creditors of Decedent must file their claims within four

months after the date of the first publication of this Notice or their claims may be barred. Claims may be filed with the Personal Representative or may be filed with the Clerk, and a copy of the claim mailed to the Personal Representative. Dated this 23rd day of September, 2025.

/s/ Katherine A. Donahue
2386 250th Ave
DeWitt, IA 52742
Sully County Clerk of Courts
700 Ash Avenue
Onida, SD 57564
Emily J. Sovell
Attorney at Law
PO Box 605
Onida, SD 57564

Published October 2, 9, 16, and 23, 2025 at the total approximate cost of \$45.90 or may be viewed free of charge at www.sdpublishonics.com. (45)-40-43

Statewide Classifieds

ANNOUNCEMENTS:

WATFORD CITY ND GUN SHOW. Dakota Territory Gun Collectors. McKenzie County Sportsman's Club, October Friday 24th, 4pm-8pm. Saturday 25th 9am-5pm, Sun 26th 9am-12pm. Gene @605-848-2427.

MISCELLANEOUS:

WE BUY HOUSES FOR CASH AS-IS! No repairs. No fuss. Any condition. Easy process. Call, get cash offer and get paid. Call today for your fair cash offer. 1-605-601-9373

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quote. 1-877-906-0290 Plus. Income based government subsidies are available for those that qualify!

NOTICES:

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For Rent

HOUSE FOR RENT: 4-bedrooms, 1 bath, 2-car garage, no pets. Lorraine Yeager Patinson. Call 1-310-539-4600 or 1-805-938-1935. - th



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• **Commodity Manager**

Apply online at ringneck.com, or send app or resume to HR@rne-sd.com, or print application found online at www.ringneckenergy.com or stop by the office for a paper application.

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We offer full benefits package including health, dental, vision, paid vacation, and matching 401(K)



We're Hiring!

Sully County is accepting Applications for a
Blade Operator & Truck Driver

We encourage applications from men, women, and individuals of all backgrounds!

Looking for 2 talented employees with CDLs
Starting pay \$23.00/hr DOE

Sully County provides a 6% retirement match, health, cancer & life insurance, paid vacation & sick leave plus 13 paid holidays

For additional details & to schedule an interview
contact Hwy Supt JJ Schall 605/222-2623

Applicants will be subject to a drug & alcohol test after conditional offer of employment. Applications are available online at www.sullycounty.net, Sully County Highway Shop & Sully County Auditor's Office. Sully County is an Equal Opportunity Employer

LOCALiQ

Aberdeen News
Watertown Public Opinion

PO Box 630567 Cincinnati, OH 45263-0567

AFFIDAVIT OF PUBLICATION

Erik Nelson
Cheryl E Nelson And Erik L Nelson
612 S Exene ST
Gettysburg SD 57442-1754

STATE OF SOUTH DAKOTA, COUNTY OF BROWN

The AMERICAN NEWS is a daily newspaper of general circulation, printed and published in Aberdeen, Brown County, South Dakota, and has been such a newspaper during the times hereinafter mentioned, and personal knowledge of the facts herein state that the notice hereto annexed was Published in said newspapers in the issue dated:

10/23/2025

That said newspaper is a legal newspaper published five days or more each week; with a bona fide circulation of more than two hundred copies daily; published in the English language within the said county of Brown for more than one year prior to the first publication of said notice; and printed in whole in an office maintained at the place of publication of said newspaper.
Sworn to and subscribed before on 10/23/2025

Legal Clerk

Notary, State of WI, County of Brown

My commission expires

Publication Cost: \$105.20

Tax Amount: \$0.00

Payment Cost: \$105.20

Order No: 11757923

Customer No: 1564406

PO #:

of Copies:

1

THIS IS NOT AN INVOICE!

Please do not use this form for payment remittance.

KONGMENG YANG
Notary Public
State of Wisconsin

**NOTICE OF HEARING on
Application No. 8972-3 to
Appropriate Water**

Notice is given that Cheryl E. Nelson and Erik L. Nelson, 612 S. Exene Street, Gettysburg SD 57442, have filed an application for a water permit to appropriate up to 72.4 acre-feet of water annually at a maximum combined pump rate of up to 0.10 cubic feet of water per second (cfs) (45 gallons per minute) from two existing wells (Well No. 2 & Well No. 4) completed into the Inyan Kara Aquifer (both approximately 2,120 feet deep) located in the NW 1/4 SW 1/4 Section 7 (Well No. 2), and NE 1/4 NW 1/4 Section 8 (Well No. 4); both in T116N-R74W. Water from Well No. 4 will be diverted at a rate of up to 40 gallons per minute to a large slough located in the E 1/2 NE 1/4 Section 7, W 1/2 NW 1/4 Section 8, and from Well No. 2 at a rate of up to 5 gallons per minute to a pond located in the NW 1/4 SW 1/4 Section 7; all in T116N-R74W for recreational, and fish & wildlife purposes. This application is intended to replace existing Water Permit No. 8787-3 and, as such, does not authorize any increase in the appropriation authorized by Permit No. 8787-3. This site is located approximately eleven miles southeast of Gettysburg SD. South Dakota Codified Law (SDCL) 46-2A-4(10) provides that "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 Acting Chief Engineer's recommendation and no hearing may be held before the board, unless the Acting Chief Engineer makes a finding that an application, even if uncontested, presents important issues of public policy or public interest that should be heard by the board." In this case, the Acting Chief Engineer finds that this application presents important issues of public interest that should be heard by the Water Management Board. Pursuant to SDCL 46-2A-2, the Acting Chief Engineer recommends APPROVAL of Application No. 8972-3 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. The Acting Chief Engi-

neer's recommendation with qualifications, the application, and staff report are available at <https://danr.sd.gov/public> or contact Ron Duval for this information, or other information, at the Water Rights Program address provided below.

The Water Management Board will consider this application at 10:30 AM (Central Time) on December 3, 2025, in the Matthew Training Center, Joe Foss Bldg, 523 E. Capitol Ave., Pierre SD. The Acting Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny this application based on the facts presented at the public hearing.

Any person who intends to participate in the hearing 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 November 3, 2025.

The petition shall be in writing and 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. The hearing is an adversary proceeding and any party has the right to be present at the hearing and to be represented by a lawyer. These and other due process rights will be forfeited if

they are not exercised at the hearing and decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

The December hearing date will be automatically delayed for at least 20 days upon written request to the Acting Chief Engineer from the applicant or any person who has filed a petition to oppose the application. The request for an automatic delay must be filed by November 3, 2025. If an automatic delay is requested, the hearing will be rescheduled for a future Board meeting and personal notice will be provided to the applicant and all petitioners regarding the time, date, and location.

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 November 3, 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 November 3, 2025. However, since this particular matter is a water permit application 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.

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; and Board Rules ARSD 74:02:01:01 thru 74:02:01:25.02; 74:02:01:35.01.
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**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

November 14, 2025

NOTICE OF CANCELLATION

TO: Cheryl E Nelson, 612 S Exene St, Gettysburg SD 57443

FROM: Ron Duvall, Natural Resources Engineer
for Mark Mayer, PE
Water Rights Program

SUBJECT: Cancellation of Water Permit No. 8787-3

Water Permit No. 8787-3 authorizes the appropriation of up to 225 acre-feet of water annually, at a maximum rate of 0.62 cubic feet of water per second from two wells (Inyan Kara Aquifer), for geothermal, recreation, and fish & wildlife propagation purposes at the Paul Nelson Farm Lodge. It was determined that the project, as permitted, was not economically feasible and a new application (Application No. 8972-3) was submitted as a replacement for Permit No. 8787-3. Application No. 8972-3 has been public noticed for hearing at the December 3, 2025, Water Management Board (Board) meeting with no petitions in opposition or comments being filed. The recommendation for Application No. 8972-3 notes that the Permit No. 8787-3 is being abandoned, pending the approval of Application No. 8972-3. Consequently, Permit No. 8787-3 is also being scheduled for Board action at the December 3, 2025, meeting following Board consideration of Application No. 8972-3. The actions to be considered by the Board for Water Permit No. 8787-3 includes removal of Qualification No. 2 on the permit, which requires the wells be plugged if the permit is cancelled, and then cancellation of Water Permit No. 8787-3 for abandonment.

The Water Management Board will consider amending and then cancelling Water Permit No. 8787-3 at **10:30 am, Wednesday, December 3, 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) amend and cancel, 2) amend and cancel portions of, 3) delay action on, or 4) take no action on Water Permit No. 8787-3 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 November 24, 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 Chief Engineer after a petition has been filed to oppose the cancellation. If an extension is requested, the hearing on the cancellation will be continued until the next regular Board Meeting. Any request for extension must be filed with the Chief Engineer by November 24, 2025.

Prior to November 24, 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 Chief Engineer (Water Rights Program, 523 E. Capitol Avenue, Pierre SD) by November 24, 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. 8787-3, CHERYL E NELSON**

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. 8787-3.

On May 8, 2024, the Water Management Board Approved Permit No. 8787-3 for appropriations of water from two wells (Inyan Kara Aquifer) for geothermal heating, recreational, and fish & wildlife propagation at the Paul Nelson Farm Lodge. In conversations with Water Rights Program staff, it was determined that the project was not economically feasible, and a new application was submitted (Application No. 8972-3). However, there is a qualification (Qualification No. 2) on Permit No. 8787-3, requiring the wells to be plugged in the event that Permit No. 8787-3 is cancelled. This qualification needs to be removed prior to cancellation of Permit No. 8787-3.

The acting Chief Engineer is recommending amending the permit by removing Qualification No. 2 and then cancelling Permit No. 8787-3 due to abandonment.

Ron Duvall, Natural Resources Engineer
for Mark Mayer, PE
November 14, 2025

Note: Amendment and then cancellation of Permit No. 8787-3 has no bearing on Application No. 8972-3.

CERTIFICATION

The undersigned hereby certifies under the penalty of perjury that I have personally deposited a true and correct NOTICE OF CANCELLATION & RECOMMENDATION dated November 14, 2025, into the United States Mail in Pierre, South Dakota, first class postage prepaid to the following Water Permit holder on November 14, 2025.

Water Permit No. 8787-3

Cheryl E Nelson
612 S Exene St
Gettysburg SD 57443

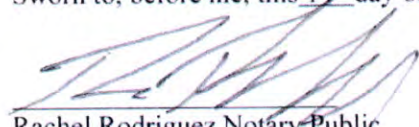
Brett Koenecke, Attorney for Cheryl E Nelson
PO Box 160
Pierre SD 57501



Amanda Dewell, Permitting Administrator
SD DANR - Water Rights

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 14th day of November, 2025.



Rachel Rodriguez Notary Public
My Commission expires May 16, 2029

