



DANR
SOUTH DAKOTA

**WATER MANAGEMENT BOARD
Remote Conference Meeting on
March 4, 2026**

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>

March 4, 2026

- 9:30AM Call to Order
Roll Call
Adopt Final Agenda
Conflicts Disclosures and Requests for State Board Waivers
Adopt December 3, 2025, Board Minutes
Set May 6 - 7, 2026 Meeting Dates and Location
Public Comment Period in accordance with SDCL 1-25-1
Update on DANR Activities
Status and Review of Water Rights Litigation
Administer Oath to Department of Agriculture and Natural Resources Staff

Seven Year Review of Future Use Permits – Amanda Dewell
Cancellation Considerations – Amanda Dewell
Irrigation Questionnaire Violations for Failure to Report 2025 Water Use – Amanda Dewell
Unopposed Water Permits Issued based on acting Chief Engineer’s Recommendation – Amanda Dewell
 • Comment filed concerning Water Permit No. 2899-2, City of Custer
- 9:45AM Appointment of Rapid Valley Water Master – Nakaila Steen

Consider Amending Qualification No. 1 on Future Use Permit No. 6988B-3, Joint Well Field, Inc
– Amanda Dewell

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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.

WATER MANAGEMENT BOARD
Remote Conference Meeting on March 4, 2026

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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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 257TH MEETING
OF THE WATER MANAGEMENT BOARD
FLOYD MATTHEW TRAINING CENTER
523 EAST CAPITOL AVENUE
PIERRE, SOUTH DAKOTA
DECEMBER 3, 2025

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

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

The following attended the meeting:

Board Members: Kelly Hepler attended in-person. Chad Comes, Peggy Dixon, Rodney Freeman, Leo Holzbauer, and Jim Hutmacher attended remotely. William Larson was 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, Kim Drennon, and Tyler Jensen, Water Rights Program.

Attorney General's Office: Emily Greco, Water Rights Program counsel, and David McVey, Board counsel.

Legislative Oversight Committee: Representative Nicole Uhre-Balk and Senator Jim Mehlhaff.

Court Reporter: Cheri Wittler, Precision Reporting.

Five-Year Review of Fully Appropriated Aquifers – Tulare: Western Spink-Hitchcock Aquifer and Tulare: East James Aquifer: Chase Bixler, Reed Bixler, Jacob Bixler, and Zane Bixler, Hitchcock, SD.

Consider Water Permit Application No. 8972-3, Cheryl E and Erik L Nelson: Cody Honeywell, counsel for applicant, Pierre, SD.

Other: Bob Mercer, Keloland News.

APPROVE FINAL AGENDA: Motion by Hepler, seconded by Freeman, to approve the final agenda. The motion carried unanimously.

CONFLICT DISCLOSURES AND REQUESTS FOR STATE BOARD WAIVERS: None.

APPROVE OCTOBER 1, 2025, BOARD MINUTES: Motion by Freman, seconded by

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Holzbauer, to approve the minutes from the October 1, 2025, Water Management Board meeting. The motion carried unanimously.

MARCH 4-5, 2025, MEETING LOCATION: Motion by Freeman, seconded by Holzbauer to hold the March 4-5, 2025, Board meeting in the Matthew Environmental Training Center, 523 East Capitol, Pierre. The motion carried unanimously.

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

STATUS AND REVIEW OF WATER RIGHTS LITIGATION: Mr. McVey stated that there was no new pending litigation.

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 subject to 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.

Two future use permits for the City of Rapid City were up for review. The Water Rights Program sent letters to city inquiring whether it had a continued need to retain the future use permits for an additional seven years. The City of Rapid City submitted a letter requesting to retain the future use permits, as the area is experiencing continued growth.

The Board packet included a letter received from the City of Rapid City requesting to retain the future use permits, the Acting 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 allow the following future use permits to remain in effect for an additional seven years for the amounts shown in the table. The next seven-year review for these permits is 2032.

No.	Name	Amount Remaining in Reserve (ac-ft)	Source
439-2	City of Rapid City	3,367	Minnelusa & Madison Aquifers
1088-2	City of Rapid City	4,830	Rapid Creek

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Motion by Hepler, seconded Hutmacher, to accept the Acting Chief Engineer's recommendation that the City of Rapid City's future use permits remain in effect for an additional seven years for the amounts shown in the table. A roll call vote was taken, and 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)

Ms. Dewell reported that pursuant to South Dakota Codified Law, the acting Chief Engineer may issue permits under authority delegated by the Board. Thirteen permits have been issued by the acting Chief Engineer since the October 2025 Water Management Board meeting. No petitions in opposition or public comments were received regarding any of these permits.

No board action was necessary.

Vice Chairman Comes called a recess at 9:30 a.m. He called the meeting back to order at 9:45 a.m.

Ron Duvall noted that Senator Jim Mehlhaff and Representative Nicole Uhre-Balk were present. Vice Chairman Comes thanked the members of the Legislative Oversight Committee for attending and participating in the meeting.

FIVE-YEAR REVIEW OF FULLY APPROPRIATED AQUIFERS – TULARE: WESTERN SPINK-HITCHCOCK AQUIFER AND TULARE: EAST JAMES AQUIFER: Mr. Duvall reported that in 2014 the State Legislature created a process where applications can be submitted when the Water Management Board determines that an aquifer is fully appropriated. To date, the only two aquifers that are deemed fully appropriated and affected by this legislation are the Tulare: Western Spink-Hitchcock Aquifer and the Tulare: East James Aquifer. The aquifers are located in an area between Redfield and Huron, extending to the eastern side of Hand County. The Tulare: East James Aquifer is on the east side of the James River and the Tulare: Western Spink-Hitchcock Aquifer is on the west side of the James River.

In 2015 the Water Management Board implemented that legislation. A notice was published indicating that the Board had determined these two aquifers to be fully appropriated. The notice provided a 30-day window for interested people to submit applications in the event that water was found to be available at some future date. In response to the public notice, 28 applications were filed for the Western Spink-Hitchcock Management Unit, and 14 applications were filed for the East James Management Unit. At their May 2015 meeting the Water Management Board prioritized those applications by using a random drawing process prioritizing them 1 through 28 and 1 through 14 for the two separate aquifers. The legislation also requires that the Water Management Board review the two aquifers every five years to determine whether water is available for appropriation. The first five-year review was done in 2020.

Mr. Duvall noted that Kim Drennon, an engineer with the Water Rights Program, would discuss

the second five-year review. He stated that personal notice was provided for 27 applications for the Tulare: Western Spink-Hitchcock Aquifer and 14 applications for the Tulare: East James Aquifer. There are now 27 applications, rather than 28, for the Tulare: Western Spink-Hitchcock Aquifer because during the first five-year review, one of the applicants chose not to continue having their application held. The personal notice stated that within 30 days the applicants were required to indicate whether they wanted to remain eligible for any water that the Water Management Board may determine is available. All of the applicants indicated that they wanted to keep their applications in this held status for today's review.

Notice was published in the Aberdeen News, Aberdeen Insider, the Redfield Press, Huron Daily Plainsman for both aquifers and in the Miller Press because the Western Spink-Hitchcock extends into Hand County. The notice was also posted on the DANR website. Affidavits of Publication, which were included in the Board packet, were received from all of the newspapers.

Kim Drennon provided a PowerPoint presentation discussing her reports for the five-year review of water availability in the Western Spink-Hitchcock Management unit of the Tulare Aquifer and the East James Management Unit of the Tulare Aquifer.

The two reports and the presentation are available on the South Dakota Boards and Commissions Portal at <https://boardsandcommissions.sd.gov/Meetings.aspx?BoardID=106>.

Ms. Drennon's conclusions on the five-year review of the Tulare: Western Spink-Hitchcock Aquifer are as follows:

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 acre-feet per year.
4. The estimated average annual withdrawal from the Tulare: Western Spink-Hitchcock aquifer is 12,153 acre-feet per year.
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 acre-feet per year. 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 acre-feet per year.
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

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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. 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.

Ms. Drennon's conclusions on the five-year review of the Tulare: East James Aquifer are as follows:

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.

Ms. Drennon stated that there are 27 held permits in the Western Spink-Hitchcock Management Unit that propose to irrigate 5,214 acres. If they irrigate at the average rate that the other water users in the aquifer are irrigating, approximately 2,300 acre-feet per year would be withdrawn.

In the East James Management Unit there are 14 held permits that propose to irrigate 1,893 acres. If they irrigate at the same average rate as the other water users in the aquifer they would withdraw approximately 860 acre-feet per year.

Ms. Drennon stated that according to the hydrologic budget unappropriated water is certainly available in the Western Spink-Hitchcock Management Unit, and the observation wells indicate that recharge to the aquifer exceeds withdrawals. However, because the aquifer has fluctuated from unconfined conditions to confined conditions, the recharge rate to the aquifer cannot be directly measured from observation well analysis and must be assessed using a new computer model taking into account newer precipitation and withdrawal information. The Tulare: Western Spink-Hitchcock Aquifer has 1,400,000 acre-feet in storage with a recharge of 18,000 acre-feet per year and withdrawals of 12,000 acre-feet per year. The Tulare: East James Aquifer has

608,000 acre-feet in storage with a recharge of 6,800 acre-feet per year and withdrawals of 8,100 acre-feet per year.

The court reporter administered the oath to Adam Mathiowetz.

In response to questions from Mr. Hepler regarding modeling, Mr. Mathiowetz stated that one consultant contacted him, and discussion took place regarding modeling for each individual management unit as well as the combined system and what the outcomes would be with a goal of three to four years of work from the consultant. They discussed a cost of \$125,000 up to \$500,000, depending on what was required and how detailed it should be. The consultant felt the timeline of four years was generous.

Mr. Mathiowetz noted that there is another consultant that has done modeling in other states on smaller aquifers at a cost of approximately \$300,000, but they were looking for very specific information which is less than what the department would likely request.

Mr. Helper asked if the department has the budget to do the modeling.

Mark Mayer, Acting Chief Engineer, stated that the department doesn't normally have this type of work budgeted. It would have to be built into the budget and then go through the process for approval by the legislature.

Vice Chairman Comes said during her presentation Ms. Drennon made a comment that water is available but, because it is confined, the aquifer needs to be modeled. He asked if that comment was regarding only one of the two aquifers? He also expressed concern that the estimated withdrawal from the Tulare: East James aquifer is larger than the estimated recharge.

Ms. Drennon answered that it is applicable to both aquifers. Ms. Drennon stated that the information on withdrawals is obtained from irrigation reporting. These are sometimes narrative reports from the irrigators, and they're doing really good if they're plus or minus five percent, but she believes the irrigation reports are probably more accurately plus or minus 10 or 20 percent. She stated that, in general, when you get a model of an aquifer like this, you can be confident in the first significant figure, and not necessarily as confident in the second significant figure. It's difficult to say what the uncertainty of Kuiper's model is, especially since he was working with different information than what is now available. Ms. Drennon noted that she believes those two numbers (recharge and withdrawals from the Tulare: East James aquifer) are the same as far as an environmental model goes.

Mr. Holzbauer stated that there is more recharge than withdrawals. He asked what happens to that extra water that is recharged and not withdrawn.

Ms. Drennon answered that she believes most of the natural discharge from this aquifer goes down the James River or is withdrawn by plants during evapotranspiration.

Mr. Duvall noted that there were people in attendance at the meeting that may want to address the

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Board. He stated that the public notice for today's hearing indicated that the Board could take any of the following actions: 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.

Mr. Duvall stated that if the Board doesn't want to make a decision at this hearing, it can defer action and indicate what else is needed for the Board to make a decision at a future meeting.

If the Board determines that no additional water is available for appropriation it ends consideration of the matter until the next five-year review in 2030. The applicants would be notified of the Board's decision. They would need to submit 10 percent of what the normal application fee was for their applications to continue being held until the next five-year review.

If the Board determines that additional water is available for appropriation for some of the applications, the applicants would be notified of the Board's decision. They would be asked whether they wanted to proceed with their applications. If the applicant isn't interested in proceeding, the Water Rights Program's intent would be to provide notice of hearing for the Board to consider withdrawal of their applications. Upon withdrawal of the applications, if that was their desire, the application fee would be refunded. If the applicant wants to proceed with their applications, the applications will be processed for Board consideration like any other application would. A staff report would be prepared, a recommendation with proposed qualifications would be made, and public notices would be published in the newspapers, which would allow for anyone to contest the applications or file comments. The applicant would also have the option of opposing the recommendation if there were qualifications that the applicant didn't agree with.

Vice Chairman Comes asked if the recommendation of the Chief Engineer is to accomplish this study. Mr. Duvall said he does not know that the Water Rights Program is recommending that. It is certainly an option, but the reality of finding the funds available to do that would be difficult in today's climate.

Vice Chairman said one of Ms. Drennon's slides has a bullet point that indicates that a new model of the aquifer is necessary to know how much more water is available. Mr. Duvall stated that the original models were done in 1984 and the ability to do a better model now is probably significant to get a revised number. The Tulare: Western Spink-Hitchcock Aquifer, as things are right now with the existing study that was done, the recharge estimate based on that study is 18,000 acre-feet. Ms. Drennon's revised numbers based on her methodology for figuring out the average use for each irrigator and how many acres they actually applied that number to is 12,000 acre-feet. So, at this time the budget for the Tulare: Western Spink-Hitchcock Aquifer indicates there is water available for appropriation regardless of a new model. A new model might help get a better number for the 18,000 acre-feet, but as things stand now, it is indicating there is water available.

The existing model indicates that for the Tulare: East James Aquifer water is not available. The observation well records show that there are more wells now in the Tulare: East James Aquifer that have gone confined and the aquifer is full at the current usage.

Mr. Duvall noted that for the Madison Formation in the Black Hills there are 20-year term limits applied to those permits. The statute gives the Board the authority to place term limits on permits, so if the Board decides to proceed with more applications a term limit could potentially be a qualification on the permit.

Mr. Hepler stated that what Mr. Duvall just explained is helpful because it is a matter of a risk analysis, basically of how much the Board is willing to bet that the water is really there, so the Board could appropriate water to all 27 applicants with term limit qualifications.

Mr. Freeman said placing term limits on permits puts the irrigators in a bad position.

Mr. Duvall said it would be a business decision for the irrigators because the term limit would have to be long enough that the irrigator would be able to recover the cost of putting in an irrigation system. He said he believes that if the term limit was for 20 years, at any point during that timeframe, the Board would have the ability to modify the qualification or remove it.

Mr. Duvall said if the Water Rights Program processes the applications and recommends certain qualifications, the applicants have the ability to contest the acting Chief Engineer's recommendations.

Vice Chairman Comes said this five-year review process is not a contest case process to there is not an opportunity to provide competing analysis by the applicants.

David McVey asked if the Board wanted to go into Executive Session to discuss this matter in the context of any legalities the Board is concerned about.

Mr. Hutmacher stated that he is hesitant about granting water permits with term limits then having to revoke them five or seven years from now. He said if the Board is going to put restrictions on the permit, it should make sure the irrigation systems are low flow, low pressure systems so more acres can be irrigated. He said that it would be like the Board is telling the permit holders how to run their business.

Vice Chairman Comes said he shares Mr. Hutmacher's concern, and he understands the appropriate dilemma for accomplishing the modeling. However, he believes trying to secure the funding to accomplish the modeling is a reasonable course to pursue. It appears that the timeline of three to four years for modeling could be accomplished and ready for the next five-year review of the aquifers, but if there is unappropriated water, he also wants to put it to beneficial use and not make folks have to wait another five years or more.

Mr. Hepler requested that the Board hear comments from members of the audience.

Reed Bixler stated that Bixler Farms has pending applications and has patiently gone through the process and has waited for 10 years for the aquifer to be reviewed. Now there is information that says water is available. The Board needs to make a decision on the applications rather than waiting another five or 10 years. There is obviously water available that needs to be appropriated.

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Vice Chairman Comes requested action from the Board. Discussion took place among the Board members regarding the two aquifers, the amount of water available in the Tulare: Western Spink-Hitchcock Aquifer, and the held applications.

Mr. Hutmacher suggested appropriating two-thirds of the amount of water available in the Western Spink-Hitchcock Unit and the budget does not indicate water is available in the East James Unit. Vice Chairman Comes expressed support for Mr. Hutmacher's proposal.

Motion by Freeman, seconded by Hutmacher, that the Board determines that no water is available for appropriation at this time subject to further review of the Tulare: East James Aquifer in five years. A roll call vote was taken, and the motion carried unanimously.

Motion by Freeman, seconded by Hutmacher, that the Board determines that water is available for appropriation from the Tulare: Western Spink-Hitchcock Aquifer, and that the Board will consider the held applications as they are presented during future Board meetings.

Ron Duvall stated that, based on the Board's discussion and motion on the Tulare: Western Spink-Hitchcock Aquifer, his understanding is that the Water Rights Program will determine what two-thirds of the water available is, staff will review the 27 applications and determine how many of those applications get processed, and whatever difference there is after that is all determined up to the two-thirds number if there are new applications submitted then staff could be recommending approval. If the two-thirds number is reached, the acting Chief Engineer would recommend deferral of any other applications that are submitted. These applications would remain in deferred status for further study as the five-year reviews are done.

Discussion took place regarding adding the two-thirds amount to the motion.

Mr. McVey stated that there is no legal requirement that the Board includes the two-thirds amount in the motion.

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

RECONSIDER DEFERRED WATER PERMIT APPLICATION NOS. 8721-3 AND 8722-3 HURON BROTHERS AND RECONSIDER DEFERRED WATER PERMIT APPLICATION NOS. 8749-3, 8750-3, 8751-3, AND 8752-3, VAN BUSKIRK FARMS LLP: Ms. Drennon reported that these two sets of applications were presented to the Board in December 2023. At the time the Tulare: Western Spink-Hitchcock Aquifer was fully appropriated which is related to these applications because the applications propose to withdraw water from the Niobrara Aquifer in places where the best information available showed that the Niobrara Aquifer comes into contact with the formerly fully appropriated Tulare: Western Spink-Hitchcock Aquifer. At the time it was not known if the applications could be approved because if a well is placed in a bedrock aquifer that is touching the glacial aquifer above it, it could be withdrawing water from the glacial aquifer.

The Board's motion in December 2023 was to defer the applications for up to two years to allow

time for the applicants to retain a hydrogeologist or other qualified consultant to conduct a suitable aquifer performance test with analysis to determine if pumping from the Niobrara Aquifer in this area would induce recharge from the Tulare: Western Spink-Hitchcock Aquifer.

Ms. Drennon stated that neither of these applicants submitted information to the Water Rights Program regarding any new findings about the hydrology and geology in the area.

Mr. Duvall stated that the two applicants were provided with public notice of today's hearing. The Water Rights Program sent both applicants a letter prior to the public notice asking them if they had an interest in keeping the applications in deferred status, and no response from either applicant was received. Mr. Duvall also had a conversation with the Van Buskirk's, and they verbally indicated that if water was going to be found available from the Tulare: Western Spink-Hitchcock Aquifer they were not concerned about maintaining their applications in a deferred status because they are more interested in the other aquifer.

Mr. Duvall noted that the Water Rights Program has not had contact with Huron Colony.

The acting Chief Engineer recommended denial of all six applications.

Motion by Hutmacher, seconded by Freeman, to deny deferred Application Nos. 8721-3 and 8722-3, Huron Hutterian Brethren, Inc. A roll call vote was taken, and the motion carried unanimously.

Motion by Hutmacher, seconded by Dixon, to deny deferred Application Nos. 8749-3, 8750-3, 8751-3, and 8752-3, Van Buskirk Farms LLP. A roll call vote was taken, and the 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.

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Low Flow Qualification

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

CONSIDER WATER PERMIT APPLICATION NO. 9872-3, CHERYL E. AND ERIK L. NELSON: Mr. Duvall reported that in March 2024 the Board held a contested case hearing on an earlier water permit application submitted by this applicant. Two Inyan Kara wells were used for geothermal heating, and fish and wildlife recreation-type uses. The discharge from those flowing wells went south, to Nelson Lake. The application was contested because other property owners around the lake were concerned with rising lake levels and increased flooding of their land. During the contested case hearing, testimony was provided stating that rather than discharge toward Nelson Lake the applicant's intent was to construct works to divert the water to the north to Okobojo Creek. That satisfied the petitioners' concerns. The Water Management Board approved the application. Since that time the applicant decided that diverting the water to the north to Okobojo Creek was not going to work, so they changed plans. The applicant decided not to use the water for geothermal heating, substantially reducing the amount of water that was needed under the original permit, and they would be willing to reduce the amount of water needed for fish and wildlife recreation purposes to minimize the amount of water that would flow to Nelson Lake.

Mr. Duvall stated that when the Water Rights Program learned that the applicant was no longer going to divert the water to the north, the applicant was informed that the permit should be brought back to the Board for consideration since the conditions have changed or the applicant should apply for a new permit. Before the Board is a new application for a substantially reduced amount of water. They will no longer use the water for geothermal purposes. There is a recommended qualification that any flow that would be going from either of these wells toward Nelson Lake can be no more than a combined 10 gpm.

Mr. Duvall contacted the petitioners in the first case and explained the situation and the recommended qualification. They appeared to be satisfied and thanked Mr. Duvall for contacting them. They did not file a petition to intervene in this new application, nor did they file any comments.

Tyler Jensen with the Water Rights Program presented his report on the application.

Water Permit Application No. 8972-3 proposes 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 wells are approximately 2,120 feet deep and are located southeast of Gettysburg, SD in Sully County. Water from Well No. 4 will be diverted at a rate of up to 40 gallons per minute (gpm) to a large slough and from Well No. 2 at a rate of up to 5 gpm to a pond for recreational and fish and wildlife purposes. This application is intended to replace existing Water Permit No. 8787-3 and does not authorize any increase in the appropriation authorized by Water Permit No. 8787-3.

The Inyan Kara Aquifer is a Cretaceous-aged sandstone aquifer underlying approximately 23,000,000 acres west of the Missouri River and 6,400,000 acres east of the Missouri River within South Dakota. 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.

The submitted well completion report shows that the top of aquifer material is 1,855 feet below ground surface and a total well depth of 2,122 feet below ground surface. The submitted well completion report also indicates that the aquifer material is confined by a layer of Morrison Shale, which is similar to other nearby well completion reports and test hole completed into the Inyan Kara Aquifer.

Recharge to the Inyan Kara Aquifer is estimated to be 14,406 acre-feet per year from precipitation in the Black Hills. Additionally, 16,000 acre-feet per year is estimated to recharge from underlying aquifers.

The estimated average annual withdrawal from the Inyan Kara Aquifer is approximately 13,688 acre-feet.

The applicant intends to replace Water Permit No. 8787-3, which has a much greater appropriation of 225 acre-feet per year, which has already been accounted for in the withdrawal. The application is expected to decrease the overall annual withdrawal rate from the Inyan Kara Aquifer.

The Water Rights Program monitors nine observation wells completed into the Inyan Kara Aquifer. The closest observation well to the diversion point is ED-85B, which is located approximately 64 miles northwest of the proposed diversion point in eastern South Dakota. 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 those eight observation wells in the Black Hills have a stable to rising trend. The water levels in Observation Well ED-85B started relatively stable in 1985, but then slowly declined in 1999 until 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. 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.

The closest water permits not held by the applicant to the proposed diversion point is Water Right No. 8334-3, which is held by the Gettysburg Country Club for irrigation use. The diversion point for this water right is located approximately 12 miles northwest of the proposed application site.

There are numerous domestic wells on file with the Water Rights Program that are completed into the Inyan Kara Aquifer. The closest domestic well on file not held by the applicant is

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approximately 4.6 south of the proposed site. There could be other domestic wells completed into the Inyan Kara Aquifer that are not on file with the Water Rights Program.

Water Permit No. 8787-3 has reported diverting water at a higher diversion rate than this application and has done so for a number of years, even before Water Permit 8787-3 was obtained, without complaints of unlawful impairment. Since this application intends to replace Water Permit No. 8787-3, with a lower diversion rate the potential of unlawful impairment will also be reduced.

Mr. Jensen provided the following 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 completed into the Inyan Kara aquifer. Water from Well No. 4 will be diverted at a rate of up to 40 gpm to a large slough and from Well No. 2 at a rate of up to 5 gpm to a pond for recreational and fish and wildlife purposes 11 miles southeast of Gettysburg, SD.
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.

The acting Chief Engineer recommended approval of Water Permit Application No. 8972-3 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

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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 Fischer-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.

Mr. Jensen stated that the applicant seeking approval of No. 8972-3 constitutes the abandonment of Water Permit No. 8787-3, which will be scheduled for cancellation consideration by the Water Management Board.

Motion by Hepler, seconded by Freeman, to approve Water Permit Application No. 8972-3, Cheryl Nelson and Eric Nelson, subject to the qualifications set forth by the Chief Engineer. A roll call vote was taken, and the motion carried unanimously.

CONSIDER AMENDMENT AND CANCELLATION OF WATER PERMIT NO. 8787-3, CHERYL E. NELSON: Motion by Hutmacher, seconded by Dixon to amend and cancel Water Permit No. 8787-3.

Amanda Dewell requested that the board hear the staff presentation on this matter.

Ms. Dewell reported that there is a qualification on Water Permit No. 8787-3 that requires that if the permit is cancelled the wells must be plugged in accordance with Water Management Board Rules, Chapter 74:02:04. Water Permit Application No. 8972-3, which the Board just approved, will use the same wells, so this qualification needs to be removed from No. 8787-3 before cancellation.

Ms. Dewell requested that the Board amend No. 8787-3 to remove Qualification No. 2 requiring plugging those wells.

Motion by Hutmacher, seconded by Dixon, to cancel Water Permit No. 8787-3 with removal of Qualification No. 2.

Mr. McVey stated that there was a pending motion before the Board. He suggested Mr. Hutmacher either withdraw the pending motion or vote to deny it and make a new motion.

Hutmacher withdrew his motions and Dixon withdrew her second.

Mr. Duvall said he would prefer a motion to remove the qualification and then cancel the permit.

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Motion by Freeman, seconded by Dixon to amend Water Permit No. 8787-3 by removing Qualification No. 2. A roll call vote was taken, and the motion carried unanimously.

Motion by Hutmacher, seconded by Freeman, to cancel Water Permit No. 8787-3. A roll call vote was taken, and the motion carried.

ANNUAL REVIEW OF OPEN MEETING LAWS IN ACCORDANCE WITH SDCL 1-25-13:
Prior to the meeting the board members were provided with a copy of the brochure “Conducting the Public's Business in Public” revised in 2025 as published on the Attorney General’s website <https://atg.sd.gov/docs/July%202025OpenMeetingsLaw.pdf>.

David McVey, Assistant Attorney General, explained the open meeting laws.

Vice Chairman Comes attested that the Board received the annual review of the open meeting laws

ADJOURN: Motion by Freeman, seconded by Hepler, to adjourn. The motion carried unanimously.

A court reporter was present, and a transcript of the proceedings may be obtained by contacting Cheri Wittler, Precision Reporting, PO Box 232, Onida, SD, telephone number 605-258-2678.

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 March 4, 2026.

Water Management Board

Future Use Reviews

No.	Name	Address	County	Amount Remaining in Reserve	Use	Source	Qualifications
192-3	City of Aberdeen	Aberdeen	BN	3,823 AF	Future Use	Alluvium along Elm River	1 special
3427A-3	City of Aberdeen	Aberdeen	BN	1,824 AF	Future Use	Elm	4 special
1218-3	Watertown Municipal Utilities	Watertown	CD	2,709 AF	Future Use	Big Sioux: North	2 special
2107-3	Watertown Municipal Utilities	Watertown	CD	No Add'l	Future Use	Big Sioux: North	2 special
1833-2	Weston Heights Homeowners Assoc.	Rapid City	MD	211 AF	Future Use	Madison	1 special

LOCALiQ

Aberdeen News
Watertown Public Opinion

PO Box 630567 Cincinnati, OH 45263-0567

AFFIDAVIT OF PUBLICATION

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

RECEIVED

FEB 03 2026

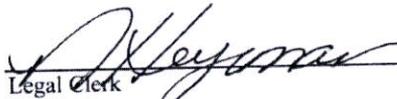
OFFICE OF
WATER

STATE OF SOUTH DAKOTA, COUNTY OF CODINGTON

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

01/29/2026

and that the fees charged are legal.
Sworn to and subscribed before on 01/29/2026



Legal Clerk



Notary, State of WI, County of Brown
8-29

My commission expires

Publication Cost: \$83.00
Tax Amount: \$0.00
Payment Cost: \$83.00
Order No: 12026251 # of Copies:
Customer No: 554902 1
PO #:

THIS IS NOT AN INVOICE!
Please do not use this form for payment remittance.

KONGMENG YANG
Notary Public
State of Wisconsin

NOTICE OF HEARING TO REVIEW FUTURE USE WATER
PERMIT NOS. 1218-3 and 2107-3

Notice is given that the Water Management Board will review Future Use Permit Nos. 1218-3 and 2107-3 held by the Watertown Municipal Utilities, 901 4th Avenue SW, Watertown SD 57201 for progress made in the development of the water reserved by the permits and future plans for development of the water reserved by the permits.

Permit No. 1218-3 was issued in 1965 and currently reserves 2,709 acre-feet from groundwater (Big Sioux: North Aquifer) located in the NW 1/4 Section 5-T116N-R52W, Section 31-T117N-R52W and Sections 11, 25, 36; in T117N-R53W for municipal use. Permit No. 2107-3 was issued in 1974 for the addition of the N 1/2 NW 1/4 Section 14-T117N-R53W to the future use area authorized by Permit No. 1218-3.

Pursuant to SDCL 46-2A-2 the Acting Chief Engineer of the Water Rights Program recommends that Permit Nos. 1218-3 and 2107-3 REMAIN in EFFECT for 2,709 acre-feet annually because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed use will be a beneficial use and 4) it is in the public interest. The Acting Chief Engineer's recommendation with qualifications is available at <https://danr.sd.gov/public> or contact Ron Duvall for this information, or other information, at the Water Rights Program address provided below.

The Water Management Board will conduct the hearing to review Future Use Permit Nos. 1218-3 and 2107-3 on March 4, 2026, at 9:30 AM (Central Time), Floyd Matthew Training Center, Joe Foss Bldg, 523 E Capitol Ave., Pierre SD.

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

Any person who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, shall allege that the renewal of the future use permit, upon approval, will cause injury to the person that is unique from any injury suffered by the public in general. The injury must concern a matter either within the regulatory authority found in SDCL 46-2A-9 for approval or denial of the renewal, or other matter concerning the renewal within the regulatory authority of the board to act upon as defined by SDCL 46-2-9 and 46-2-11, or both. Any person meeting the petitioner requirements and wishing to be a party of record in a contested case hearing shall file a written petition with BOTH the permit owner and the Acting Chief Engineer. A petition opposing the renewal shall be filed on a form provided by the Acting Chief Engineer. The petition form is available online at <https://danr.sd.gov/public> or by contacting the Acting Chief Engineer. The Acting Chief Engineer's address is "Water Rights Program", Joe Foss Building, 523 E 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 February 9, 2026.

The petition shall be in writing and shall include a statement describing the unique injury upon renewal of the future use permit on the petitioner, the reasons for petitioner's opposition to renewal of the future use permit, and the name and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The hearing to review Future Use Permit Nos. 1218-3 and 2107-3 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-38.1; Board Rules ARSD 74:02:01:25.01 thru 74:02:01:25.03; and contested case procedures contained in SDCL 1-26. This hearing is an adversary proceeding. The permit owner or any person, after filing a petition, has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose renewal of the Future Use Permit. The request for a delay must be filed with the Acting Chief Engineer by February 9, 2026.

Any interested person may file a comment on the future use permit renewal with the Acting Chief Engineer. The comment shall be filed on a form provided by the Acting Chief Engineer and is available online at <https://danr.sd.gov/public> or by calling (605) 773-3352 or writing the Acting Chief Engineer at the address provided above. Filing a comment does not make the commenter a party of record or a participant in any hearing that may be held. Any comment must be filed by February 9, 2026.

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FEB 03 2026
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WATER

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 February 9, 2026. However, since this particular matter is a future use permit renewal and not a monetary controversy in excess of \$2,500.00 or termination of a property right the Acting Chief Engineer disputes the applicability of this provision and maintains that the hearing must be conducted by the Board.

Published January 29, 2026, at the total approximate cost of \$83.00 and may be viewed free of charge at www.sdpublicnotices.com

RECEIVED
FEB 03 2026
OFFICE OF
WATER

Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Friday, January 23, 2026 10:34 AM
To: Wayne Lovelis
Subject: 1218-3 & 2107-3 Watertown Municipal - Public Notice
Attachments: 1218-3 & 2107-3 Rec.pdf; 1218-3 & 2107-3 Ltr.pdf; 1218-3 & 2107-3 PubNotice.pdf; WatertownInfo.pdf

Good morning,

Attached is a copy of the acting chief engineer's recommendation, and information regarding the public notice for the future use review permits. As stated in the letter, please contact the paper as soon as possible to authorize publication and arrange for payment. This information is also being mailed to you today.

Let me know if you have questions. Please confirm receipt of this email.

Thank you,

Rachel Rodriguez
DANR | Program Assistant
Rachel.Rodriguez@state.sd.us





Order Confirmation

Not an Invoice

Account Number:	554902
Customer Name:	Municipal Utilities
Customer Address:	Municipal Utilities 901 4TH AVE SW Watertown SD 57201
Contact Name:	Water Rights Program
Contact Phone:	
Contact Email:	
PO Number:	

Date:	01/23/2026
Order Number:	12026251
Prepayment Amount:	\$ 0.00

Column Count:	2.0000
Line Count:	130.0000
Height in Inches:	14.3100

Print

Product	#Insertions	Start - End	Category
WAT The Public Opinion	1	01/29/2026 - 01/29/2026	Bids & Proposals
WAT thepublicopinion.com	1	01/29/2026 - 01/29/2026	Bids & Proposals

As an incentive for customers, we provide a discount off the total order cost equal to the 3.99% service fee if you pay with Cash/Check/ACH. Pay by Cash/Check/ACH and save!

Total Cash Order Confirmation Amount Due	\$83.00
Tax Amount	\$0.00
Service Fee 3.99%	\$3.31
Cash/Check/ACH Discount	-\$3.31
Payment Amount by Cash/Check/ACH	\$83.00
Payment Amount by Credit Card	\$86.31

Order Confirmation Amount	\$83.00
----------------------------------	----------------

Rodriguez, Rachel

From: Gannett Legals Public Notices 4 <ganlegpubnotices4@gannett.com>
Sent: Friday, January 23, 2026 7:33 AM
To: Rodriguez, Rachel
Cc: wlovelis@watertownmu.com
Subject: [EXT] 12026251 RE: 1218-3 & 2107-3 Watertown Municipal - Public Notice
Attachments: Order_Confirmation_Liners - 2026-01-23T083036.934.pdf

Hello!

Please find your order confirmation and proof attached.

Your notice is set to run in the Public Opinion on 1/29. The order cost is \$83.00 which includes an affidavit that will be sent 7-10 business days after the last day of the notice printing. Please email before 8am on Tuesday with any changes.

Your notice is scheduled to run per your request and will publish unless you reply to this email before the deadline above requesting changes or to cancel.

Our invoicing is done on a monthly basis. You will receive an invoice for this ad after the close of the month.

All orders are subject to a non-refundable 3.99% service fee. As an incentive for customers, we provide a discount off the order cost equal to the 3.99% service fee if you pay by ACH. Pay by ACH and Save! Final order cost provided at time of payment and via a receipt.

Thank you!

Kerri Furnace
Public Notice Representative

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 844-254-5287

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*NOTE: We are not legally trained, and it is your responsibility to make sure your ad meets the requirements of your State/Court which includes wording and publication times. Please verify all information is there and that it is correct. If your ad is not compliant with applicable law and needs to be re-published you will be responsible for all additional fees incurred.

From: Rodriguez, Rachel <Rachel.Rodriguez@state.sd.us>
Sent: Thursday, January 22, 2026 2:37 PM
To: SD-Watertown Legals <legals@thepublicopinion.com>
Subject: 1218-3 & 2107-3 Watertown Municipal - Public Notice

Attached is a notice to be published on January 29, 2026.

Watertown Municipal Utilities, c/o Wayne Lovelis, 901 4th Avenue SW, Watertown SD 57201, 605-882-6233, wlovelis@watertownmu.com has been notified to contact you to authorize publication and arrange for payment.

Please send the affidavit or return the attached Proof of Publication form ASAP to the Water Rights Program, Attn Rachel Rodriguez, 523 E Capitol Ave, Pierre SD 57501.

Let me know if you have questions. Please confirm receipt of this email.

Thank you,

Rachel Rodriguez
DANR | Program Assistant
Rachel.Rodriguez@state.sd.us





**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

January 23, 2026

NOTE: TO BE SURE OF PUBLICATION ON
THE CORRECT DATE, CONTACT
THE NEWSPAPERS RIGHT AWAY.

Watertown Municipal Utilities
c/o Wayne Lovelis
901 4th Avenue SW
Watertown SD 57201

Dear Mr. Lovelis:

Future Use Permit Nos. 1218-3 and 2107-3 will be reviewed for progress in the development and future plans for use of the water reserved. Water rights law requires publication of a notice in the county where water will be diverted or used. Notice of this review has been sent to the Watertown Public Opinion. For your information, a copy of the Acting Chief Engineer's recommendation is enclosed. Please review this notice prior to publication and notify this office if you have any corrections or questions.

BE SURE TO CONTACT THE ABOVE NEWSPAPER(S) IMMEDIATELY TO AUTHORIZE PUBLICATION OF THE NOTICE OF HEARING AND TO ARRANGE FOR PAYMENT. Early contact with the papers can eliminate delays. The publishers have been instructed to publish this notice on January 29, 2026. We must receive Proof of Publication before the future use review can be considered by the Water Management Board.

Sincerely,

Rachel Rodriguez

Rachel Rodriguez
Water Rights Program
605 773-3352
rachel.rodriguez@state.sd.us

enclosures

Instruction to Newspaper - Publish the following Notice on January 29, 2026. The Watertown Municipal Utilities is responsible for payment.

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NOS. 1218-3 and 2107-3

Notice is given that the Water Management Board will review Future Use Permit Nos. 1218-3 and 2107-3 held by the Watertown Municipal Utilities, 901 4th Avenue SW, Watertown SD 57201 for progress made in the development of the water reserved by the permits and future plans for development of the water reserved by the permits.

Permit No. 1218-3 was issued in 1965 and currently reserves 2,709 acre-feet from groundwater (Big Sioux: North Aquifer) located in the NW 1/4 Section 5-T116N-R52W, Section 31-T117N-R52W and Sections 11, 25, 36; in T117N-R53W for municipal use. Permit No. 2107-3 was issued in 1974 for the addition of the N 1/2 NW 1/4 Section 14-T117N-R53W to the future use area authorized by Permit No. 1218-3.

Pursuant to SDCL 46-2A-2 the Acting Chief Engineer of the Water Rights Program recommends that Permit Nos. 1218-3 and 2107-3 REMAIN in EFFECT for 2,709 acre-feet annually because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed use will be a beneficial use and 4) it is in the public interest. The Acting Chief Engineer's recommendation with qualifications is available at <https://danr.sd.gov/public> or contact Ron Duvall for this information, or other information, at the Water Rights Program address provided below.

The Water Management Board will conduct the hearing to review Future Use Permit Nos. 1218-3 and 2107-3 on March 4, 2026, at 9:30 AM (Central Time), Floyd Matthew Training Center, Joe Foss Bldg, 523 E Capitol Ave., Pierre SD.

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

Any person who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, shall allege that the renewal of the future use permit, upon approval, will cause injury to the person that is unique from any injury suffered by the public in general. The injury must concern a matter either within the regulatory authority found in SDCL 46-2A-9 for approval or denial of the renewal, or other matter concerning the renewal within the regulatory authority of the board to act upon as defined by SDCL 46-2-9 and 46-2-11, or both. Any person meeting the petitioner requirements and wishing to be a party of record in a contested case hearing shall file a written petition with BOTH the permit owner and the Acting Chief Engineer. A petition opposing the renewal shall be filed on a form provided by the Acting Chief Engineer. The petition form is available online at <https://danr.sd.gov/public> or by contacting the Acting Chief Engineer. The Acting Chief Engineer's address is "Water Rights Program", Joe Foss Building, 523 E 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 February 9, 2026.

The petition shall be in writing and shall include a statement describing the unique injury upon renewal of the future use permit on the petitioner, the reasons for petitioner's opposition to renewal of the future use permit, and the name and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The hearing to review Future Use Permit Nos. 1218-3 and 2107-3 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-38.1; Board Rules ARSD 74:02:01:25.01 thru 74:02:01:25.03; and contested case procedures contained in SDCL 1-26. This hearing is an adversary proceeding. The permit owner or any person, after filing a petition, has the right to be present or to be represented by a lawyer. These and other due process

rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose renewal of the Future Use Permit. The request for a delay must be filed with the Acting Chief Engineer by February 9, 2026.

Any interested person may file a comment on the future use permit renewal with the Acting Chief Engineer. The comment shall be filed on a form provided by the Acting Chief Engineer and is available online at <https://danr.sd.gov/public> or by calling (605) 773-3352 or writing the Acting Chief Engineer at the address provided above. Filing a comment does not make the commenter a party of record or a participant in any hearing that may be held. Any comment must be filed by February 9, 2026.

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 February 9, 2026. However, since this particular matter is a future use permit renewal and not a monetary controversy in excess of \$2,500.00 or termination of a property right the Acting Chief Engineer disputes the applicability of this provision and maintains that the hearing must be conducted by the Board.

Published once at the approximate cost of _____.



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

**RECOMMENDATION OF CHIEF ENGINEER FOR FUTURE USE WATER PERMIT
NOS. 1218-3 and 2107-3, Watertown Municipal Utilities**

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 Nos. 1218-3 and 2107-3, Watertown Municipal Utilities, 901 4th Avenue SW, Watertown SD 57201.

The Acting Chief Engineer is recommending that Future Use Permit Nos. 1218-3 and 2107-3 REMAIN in EFFECT for 2,709 acre-feet annually because 1) there is reasonable probability that there may be development of the water reserved under Permit Nos. 1218-3 and 2107-3, 2) the city has demonstrated a reasonable need for the water reserved by Permit Nos. 1218-3 and 2107-3. 3) the proposed use will be a beneficial use and 4) it is in the public interest.

Maintaining the effectiveness of Future Use Permit Nos. 1218-3 and 2107-3 is subject to payment of the \$ 285.00 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
January 20, 2026

Rodriguez, Rachel

From: Wayne Lovelis <wlovelis@watertownmu.com>
Sent: Monday, January 12, 2026 10:11 AM
To: Rodriguez, Rachel
Subject: [EXT] Future Use Permit No. 1218-3 & 2107-3
Attachments: DOC011226-01122026094447.pdf; Instruction for future rights review.xlsx



WATERTOWN MUNICIPAL UTILITIES

901 • 4TH AVENUE SW • WATERTOWN, SD 57201-4107

PHONE: (605) 882-6233 • FAX: (605) 882-6238

WWW.WATERTOWNMU.COM

December 31, 2025

Eric Gronlund
Department of Environment and Natural Resources
Joe Foss Building 523 East Capitol
Pierre S.D. 57501-3182

RE: Future Water Use Permit No.1218-3 & 2107-3

The Watertown Municipal Utilities Department petitions to retain future water use permit No.1218-3 & 2107-3 for future growth of the city. The city has had 601 new connections and a 8.0% increase in water production from 2019 to 2025.

Attached for your information please find production history, plus projections for annual and peak day production through 2025. We have a 6.47% increase in 2020, 5.5% increase in 2023 and a 2% increase in projected years to 2031. Due to an abnormally wet year in 2024 and 2025 we experienced a decrease in production of 13.2% from 2023 to 2025.

Our current treatment capacity is 14.8MGD. Our current developed well capacity is 12.3 MGD. We will need to develop another 2.5MGD in well capacity to match the full treatment capacity of our treatment plants. We will develop the remainder of #1218-3 and #2107-3 to bring our developed well capacity to the same level as our treatment capacity.

Thank you and please call if you have any questions.

Sincerely,

Wayne Lovelis
Water Superintendent
Watertown Municipal Utilities Dept.

Year to Year January Comparison

	2011	2012	2013	2014	2015	2016	2017	2018	2019
January	87,617,000	82,691,000	90,170,000	98,540,000	91,474,000	88,248,000	97,089,000	93,817,000	93,010,000
Million gallons	87.62	82.69	90.17	98.54	91.47	88.25	97.09	93.82	93.01
Million Gallon increase from 2011		-4.93	2.55	10.92	3.86	0.63	9.47	6.20	10.32
		-5.96%	2.83%	11.08%	4.22%	0.72%	9.76%	6.61%	11.09%

2020	2021	2022	2023	2024	2025
91,069,000	100,834,000	100,567,000	95,493,000	92,886,000	96,358,000
91.07	100.83	100.57	95.49	92.89	96.36
0.90	2.29	9.09	7.24	-4.20	2.54
0.99%	2.28%	9.04%	7.59%	-4.52%	2.64%

LOCALiQ

Aberdeen News
Watertown Public Opinion

PO Box 630567 Cincinnati, OH 45263-0567

AFFIDAVIT OF PUBLICATION

Water Rights Program
Water Rights Program
523 E Capitol AVE
Pierre SD 57501-3182

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FEB 03 2026

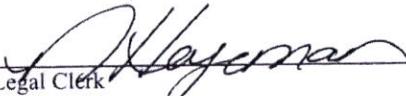
OFFICE OF
WATER

STATE OF SOUTH DAKOTA, COUNTY OF BROWN

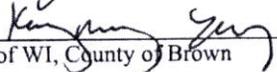
The AMERICAN NEWS is a daily newspaper of general circulation, printed and published in Aberdeen, Brown County, South Dakota, and has been such a newspaper during the times hereinafter mentioned; and personal knowledge of the facts herein state that the notice hereto annexed was Published in said newspapers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

01/29/2026

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 01/29/2026



Legal Clerk



Notary, State of WI, County of Brown

9-3-29

My commission expires

Publication Cost:	\$88.40	
Tax Amount:	\$0.00	
Payment Cost:	\$88.40	
Order No:	12024559	# of Copies:
Customer No:	556228	1
PO #:		

THIS IS NOT AN INVOICE!

Please do not use this form for payment remittance.

KONGMENG YANG
Notary Public
State of Wisconsin

**NOTICE OF HEARING TO
REVIEW FUTURE USE
WATER PERMIT NOS. 192-
3 and 3427A-3**

Notice is given that the Water Management Board will review Future Use Permit Nos. 192-3 and 3427A-3 held by the City of Aberdeen, 123 South Lincoln Street, Aberdeen SD 57401 for progress made in the development of the water reserved by the permits and future plans for development of the water reserved.

Permit No. 192-3 was approved in 1956 and currently reserves 3,823 acre-feet from alluvium along the Elm River located between Section 19-T125N-R63W and Section 15-T124N-R63W for municipal use.

Permit No. 3427A-3 was approved in 1974 and currently reserves 1,824 acre-feet from the Elm Aquifer located in the S 1/2 Section 4; S 1/2 and NW 1/4 Section 5; N 1/2 Section 6; Section 8; E 1/2 Section 9; W 1/2 Section 15 and NE 1/4 Section 16; all in T124N-R63W for municipal use.

Pursuant to SDCL 46-2A-2 the Acting Chief Engineer of the Water Rights Program recommends that Permit No. 192-3 REMAIN in EFFECT for 3,823 acre-feet annually and Permit No. 3427A-3 REMAIN in EFFECT for 1,824 acre-feet annually because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed use will be a beneficial use and 4) it is in the public interest. The Acting Chief Engineer's recommendation with qualifications is available at

<https://danr.sd.gov/public> or contact Ron Duvall for this information, or other information, at the Water Rights Program address provided below.

The Water Management Board will conduct the hearing to review Future Use Permit Nos. 192-3 and 3427A-3 on March 4, 2026, at 9:30 AM (Central Time), Floyd Matthew Training Center, Joe Foss Bldg, 523 E Capitol Ave., Pierre SD.

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

Any person who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, shall allege that the renewal of the future use permit, upon approval, will cause injury to the person that is unique from any injury suffered by the public in general. The

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WATER

injury must concern a matter either within the regulatory authority found in SDCL 46-2A-9 for approval or denial of the renewal, or other matter concerning the renewal within the regulatory authority of the board to act upon as defined by SDCL 46-2-9 and 46-2-11, or both. Any person meeting the petitioner requirements and wishing to be a party of record in a contested case hearing shall file a written petition with BOTH the permit owner and the Acting Chief Engineer. A petition opposing the renewal shall be filed on a form provided by the Acting Chief Engineer. The petition form is available online at <https://danr.sd.gov/public> or by contacting the Acting Chief Engineer. The Acting Chief Engineer's address is "Water Rights Program", Joe Foss Building, 523 E 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 February 9, 2026. The petition shall be in writing and shall include a statement describing the unique injury upon renewal of the future use permit on the petitioner, the reasons for petitioner's opposition to renewal of the future use permit, and the name and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The hearing to review Future Use Permit Nos. 192-3 and 3427A-3 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-38.1; Board Rules ARSD 74:02:01:25.01 thru 74:02:01:25.03; and contested case procedures contained in SDCL 1-26. This hearing is an adversary proceeding. The permit owner or any person, after filing a petition, has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law. The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose renewal of the Future Use Permit. The request for a delay must be filed with the Acting Chief Engineer by February 9, 2026. Any interested person may file a comment on the future use permit renewal with the Acting Chief

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WATER

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 February 9, 2026.

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 February 9, 2026. However, since this particular matter is a future use permit renewal and not a monetary controversy in excess of \$2,500.00 or termination of a property right the Acting Chief Engineer disputes the applicability of this provision and maintains that the hearing must be conducted by the Board.

Published Jan 29, 2026 at the total approximate cost of \$88.40 and may be viewed free of charge at www.sdpublicnotices.com

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FEB 03 2026

OFFICE OF
WATER

Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Friday, January 23, 2026 8:39 AM
To: stu.nelson@aberdeen.sd.us
Subject: 192-3 & 3427A-3 City of Aberdeen - Public Notice
Attachments: 192-3 & 3427A-3 Rec.pdf; 192-3&3427A-3 Ltr.pdf; 192-3&3427A-3 PubNotice.pdf; Aberdeen News Info.pdf

Good morning,

Attached is a copy of the acting chief engineer's recommendation, and information regarding the public notice for the future use review permits. As stated in the letter, please contact the paper as soon as possible to authorize publication and arrange for payment. This information is also being mailed to you today.

Let me know if you have questions. Please confirm receipt of this email.

Thank you,

Rachel Rodriguez
DANR | Program Assistant
Rachel.Rodriguez@state.sd.us



Rodriguez, Rachel

From: Gannett Legals Public Notices 4 <ganlegpubnotices4@gannett.com>
Sent: Thursday, January 22, 2026 1:10 PM
To: Rodriguez, Rachel
Subject: RE: [EXT] 12024559 192-3 & 3427A-3 City of Aberdeen - Public Notice
Attachments: 12024559.pdf

Good Afternoon,

Please find your order confirmation and proof of ad attached.

Your ad is set to run in the American News on January 29. The order cost is \$88.40 which includes an affidavit, that will be mailed to you 7-10 business days after the last day of the ad printing. Please reply by 8:00 AM on Tuesday with any changes.

Your notice is scheduled to run per your request and will publish unless you reply to this email requesting changes or to cancel.

Our invoicing is done on a monthly basis.

You will receive an invoice for this ad after the close of the month.

All orders are subject to a non-refundable 3.99% service fee. As an incentive for customers, we provide a discount off the order cost equal to the 3.99% service fee if you pay by ACH. Pay by ACH and Save! Final order cost provided at time of payment and via a receipt.

Thank you!

Brittany Grady
Public Notice Representative

USA TODAY CO.



844-254-5287

National voice. Local strength. Subscribe TODAY.

#TeamUSATODAY

Tell my boss I rock [HERE!](#)

From: Rodriguez, Rachel <Rachel.Rodriguez@state.sd.us>
Sent: Thursday, January 22, 2026 12:55 PM
To: SD-Aberdeen Legals <aan-legals@aberdeennews.com>
Subject: 12024559 192-3 & 3427A-3 City of Aberdeen - Public Notice

Attached is a notice to be published on January 29, 2026.

City of Aberdeen, c/o Stuart Nelson, 123 South Lincoln Street, Aberdeen SD 57401,
stu.nelson@aberdeen.sd.us has been notified to contact you to authorize publication and arrange for payment.

Please send the affidavit or return the attached Proof of Publication form ASAP to the Water Rights Program, Attn Rachel Rodriguez, 523 E Capitol Ave, Pierre SD 57501.

Let me know if you have questions. Please confirm receipt of this email.

Thank you,

Rachel Rodriguez
DANR | Program Assistant
Rachel.Rodriguez@state.sd.us





Order Confirmation
Not an Invoice

Account Number:	556228
Customer Name:	Aberdeen City Auditor-Legals
Customer Address:	Aberdeen City Auditor-Legals 123 S Lincoln St ABERDEEN SD 57401-4215
Contact Name:	Aberdeen City Auditor-Legals
Contact Phone:	6056267012
Contact Email:	
PO Number:	

Date:	01/22/2026
Order Number:	12024559
Prepayment Amount:	\$ 0.00

Column Count:	1.0000
Line Count:	278.0000
Height in Inches:	30.6800

Print

Product	#Insertions	Start - End	Category
ABD The American News	1	01/29/2026 - 01/29/2026	Govt Public Notices
ABD aberdeennews.com	1	01/29/2026 - 01/29/2026	Govt Public Notices

As an incentive for customers, we provide a discount off the total order cost equal to the 3.99% service fee if you pay with Cash/Check/ACH. Pay by Cash/Check/ACH and save!

Total Cash Order Confirmation Amount Due	\$88.40
Tax Amount	\$0.00
Service Fee 3.99%	\$3.53
Cash/Check/ACH Discount	-\$3.53
Payment Amount by Cash/Check/ACH	\$88.40
Payment Amount by Credit Card	\$91.93

Order Confirmation Amount	\$88.40
----------------------------------	----------------



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

January 23, 2026

NOTE: TO BE SURE OF PUBLICATION ON
THE CORRECT DATE, CONTACT
THE NEWSPAPERS RIGHT AWAY.

City of Aberdeen
c/o Stuart Nelson
123 South Lincoln Street
Aberdeen SD 57401

Dear Mr. Nelson:

Future Use Permit Nos. 192-3 and 3427A-3 will be reviewed for progress in the development and future plans for use of the water reserved. Water rights law requires publication of a notice in the county where water will be diverted or used. Notice of these reviews have been sent to the Aberdeen American News. For your information, a copy of the Acting Chief Engineer's recommendation is enclosed. Please review this notice prior to publication and notify this office if you have any corrections or questions.

BE SURE TO CONTACT THE ABOVE NEWSPAPER(S) IMMEDIATELY TO AUTHORIZE PUBLICATION OF THE NOTICE OF HEARING AND TO ARRANGE FOR PAYMENT. Early contact with the papers can eliminate delays. The publishers have been instructed to publish this notice on January 29, 2026. We must receive Proof of Publication before the future use review can be considered by the Water Management Board.

Sincerely,

Rachel Rodriguez

Rachel Rodriguez
Water Rights Program
605 773-3352
rachel.rodriguez@state.sd.us

enclosures



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

**RECOMMENDATION OF CHIEF ENGINEER FOR FUTURE USE WATER PERMIT
NO. 192-3, City of Aberdeen**

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. 192-3, City of Aberdeen, 123 South Lincoln Street, Aberdeen SD 57401.

The Acting Chief Engineer is recommending that Future Use Permit No. 192-3 REMAIN in EFFECT for 3,823 acre-feet annually because 1) there is reasonable probability that there may be development of the water reserved under Permit No. 192-3, 2) the city has demonstrated a reasonable need for the water reserved by Permit No. 192-3, 3) the proposed use will be a beneficial use and 4) it is in the public interest.

Maintaining the effectiveness of Future Use Permit No. 192-3 is subject to payment of the \$ 375.00 fee pursuant to SDCL 46-2-13(2) within 60 days of notice to the city after the Board hearing.

A handwritten signature in black ink that reads "Mark Mayer". The signature is written in a cursive style.

Mark Mayer, PE
Director of Office of Water
January 20, 2026



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

**RECOMMENDATION OF CHIEF ENGINEER FOR FUTURE USE WATER PERMIT
NO. 3427A-3, City of Aberdeen**

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. 3427A-3, City of Aberdeen, 123 South Lincoln Street, Aberdeen SD 57401.

The Acting Chief Engineer is recommending that Future Use Permit No. 3427A-3 REMAIN in EFFECT for 1,824 acre-feet annually because 1) there is reasonable probability that there may be development of the water reserved under Permit No. 3427A-3, 2) the city has demonstrated a reasonable need for the water reserved by Permit No. 3427A-3, 3) the proposed use will be a beneficial use and 4) it is in the public interest.

Maintaining the effectiveness of Future Use Permit No. 3427A-3 is subject to payment of the \$ 215.00 fee pursuant to SDCL 46-2-13(2) within 60 days of notice to the city after the Board hearing.

A handwritten signature in black ink that reads "Mark Mayer". The signature is written in a cursive style.

Mark Mayer, PE
Director of Office of Water
January 20, 2026

Instruction to Newspaper - Publish the following Notice on January 29, 2026. The City of Aberdeen is responsible for payment.

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NOS. 192-3 and 3427A-3

Notice is given that the Water Management Board will review Future Use Permit Nos. 192-3 and 3427A-3 held by the City of Aberdeen, 123 South Lincoln Street, Aberdeen SD 57401 for progress made in the development of the water reserved by the permits and future plans for development of the water reserved.

Permit No. 192-3 was approved in 1956 and currently reserves 3,823 acre-feet from alluvium along the Elm River located between Section 19-T125N-R63W and Section 15-T124N-R63W for municipal use.

Permit No. 3427A-3 was approved in 1974 and currently reserves 1,824 acre-feet from the Elm Aquifer located in the S 1/2 Section 4; S 1/2 and NW 1/4 Section 5; N 1/2 Section 6; Section 8; E 1/2 Section 9; W 1/2 Section 15 and NE 1/4 Section 16; all in T124N-R63W for municipal use.

Pursuant to SDCL 46-2A-2 the Acting Chief Engineer of the Water Rights Program recommends that Permit No. 192-3 REMAIN in EFFECT for 3,823 acre-feet annually and Permit No. 3427A-3 REMAIN in EFFECT for 1,824 acre-feet annually because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed use will be a beneficial use and 4) it is in the public interest. The Acting Chief Engineer's recommendation with qualifications is available at <https://danr.sd.gov/public> or contact Ron Duvall for this information, or other information, at the Water Rights Program address provided below.

The Water Management Board will conduct the hearing to review Future Use Permit Nos. 192-3 and 3427A-3 on March 4, 2026, at 9:30 AM (Central Time), Floyd Matthew Training Center, Joe Foss Bldg, 523 E Capitol Ave., Pierre SD.

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

Any person who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, shall allege that the renewal of the future use permit, upon approval, will cause injury to the person that is unique from any injury suffered by the public in general. The injury must concern a matter either within the regulatory authority found in SDCL 46-2A-9 for approval or denial of the renewal, or other matter concerning the renewal within the regulatory authority of the board to act upon as defined by SDCL 46-2-9 and 46-2-11, or both. Any person meeting the petitioner requirements and wishing to be a party of record in a contested case hearing shall file a written petition with BOTH the permit owner and the Acting Chief Engineer. A petition opposing the renewal shall be filed on a form provided by the Acting Chief Engineer. The petition form is available online at <https://danr.sd.gov/public> or by contacting the Acting Chief Engineer. The Acting Chief Engineer's address is "Water Rights Program", Joe Foss Building, 523 E 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 February 9, 2026.

The petition shall be in writing and shall include a statement describing the unique injury upon renewal of the future use permit on the petitioner, the reasons for petitioner's opposition to renewal of the future use permit, and the name and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The hearing to review Future Use Permit Nos. 192-3 and 3427A-3 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-38.1; Board Rules ARSD 74:02:01:25.01 thru 74:02:01:25.03; and contested case procedures contained in SDCL 1-26. This hearing is an adversary proceeding. The permit owner or any person, after filing a petition, has the right to be present or to be represented by a lawyer. These and other due process

rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose renewal of the Future Use Permit. The request for a delay must be filed with the Acting Chief Engineer by February 9, 2026.

Any interested person may file a comment on the future use permit renewal with the Acting Chief Engineer. The comment shall be filed on a form provided by the Acting Chief Engineer and is available online at <https://danr.sd.gov/public> or by calling (605) 773-3352 or writing the Acting Chief Engineer at the address provided above. Filing a comment does not make the commenter a party of record or a participant in any hearing that may be held. Any comment must be filed by February 9, 2026.

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 February 9, 2026. However, since this particular matter is a future use permit renewal and not a monetary controversy in excess of \$2,500.00 or termination of a property right the Acting Chief Engineer disputes the applicability of this provision and maintains that the hearing must be conducted by the Board.

Published once at the approximate cost of _____.

Rodriguez, Rachel

From: Stu Nelson <stu.nelson@aberdeen.sd.us>
Sent: Tuesday, January 13, 2026 4:51 PM
To: Rodriguez, Rachel
Subject: [EXT] Future Water Use Permits 192-3 & 3427A-3
Attachments: FUTURE WATER USE PERMIT EXTENSION LETTER SDDANR.docx

Dear Rachel,

Please see the attached letter. Thank you.



Stuart Nelson, PE, CFM

Public Works Director/City Engineer | City of Aberdeen

Office 605-626-7011

Web www.aberdeen.sd.us **Email** stu.nelson@aberdeen.sd.us

123 South Lincoln Street, Aberdeen, SD 57401



City of
ABERDEEN
PUBLIC WORKS DEPARTMENT
STUART NELSON, PE, CFM

123 South Lincoln Street
Aberdeen, SD 57401
Office 605-626-7011
stu.nelson@aberdeen.sd.us
www.aberdeen.sd.us

January 13, 2026

Rachel Rodriguez
SD Department of Agriculture and Natural Resources
Water Rights Program
523 E Capitol Ave
Pierre, SD 57501-3182

Re: Future Water Use Permits 192-3 and 3427A-3 held by the City of Aberdeen, SD

Dear Ms. Rodriguez:

Currently the City of Aberdeen holds the above-referenced future Water Use Permits for water held in reserve to help meet the City's growing water supply needs. It is the purpose of this letter to state the City's intent to retain these permits. The reasons the City would retain the permits are outlined as follows:

Aberdeen has recently conducted two studies, the 2020 Water Treatment Plant Facility Plan from HR Green, Inc; and the 2021 Bartlett and West Transmission Supply Project Engineering Report. Both of these documents indicate the City of Aberdeen needs a stable water supply that can grow to meet the needs of a growing population and for purposes of economic expansion. The City has also seen increasing year-over-year demand for water based on production records from the water treatment plant. The City is actively participating in the Water Infrastructure in Northern South Dakota partnership (WINS) to bring Missouri River water to the region, but connection to this system is a minimum of five years in the future. Additionally, Aberdeen's population is projected to grow by approximately 7000 people by 2045. Based on these factors, Aberdeen's water needs are projected to see a 6.5 MGD increase over the next 20 years.

Therefore, Aberdeen requests future Water Use Permits 193-3 and 3427A-3 continue to be retained by the City.

Please feel free to reach out if you need additional information. Thank you for your consideration.

Sincerely,

Stuart Nelson, PE, CFM
Public Works Director/City Engineer



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

December 2, 2025

City of Aberdeen
c/o Jordan McQuillen
123 S Lincoln Street
Aberdeen SD 57401

Dear Mr. McQuillen,

I am writing regarding the seven-year review of Future Use Water Permit No. 192-3 from the alluvium along the Elm River and Permit No. 3427A-3 from the Elm: North Brown Aquifer which are held by the City of Aberdeen. By law, all future use permits are to be reviewed by the Water Management Board every seven years to determine whether a reasonable need exists for the reserved water. The permits reserve water for future water supply needs for the city. Currently, our records show that 3,823 acre-feet remain in reserve under Permit No. 192-3 and 1,824 acre-feet remain in reserve under Permit No. 3427A-3. Both future use permits were last reviewed in 2018.

Please respond in writing by January 15, 2026, regarding the city's intention for the future use permits. If the city plans to retain the permits, then the response should outline a reasonable need for retaining the future use permits, including an estimate of future needs.

The future use permits will then be public noticed at the city's expense and scheduled for review before the Water Management Board pursuant to SDCL 46-5-38.1. Notice will be given of the hearing time and place at a future date. The purpose of this review is to determine if a reasonable need exists for retaining the permits. A fee will be charged if the Board allows the permits to remain in effect after the hearing. The fee to be assessed will be dependent upon the amount of water allowed to remain in reserve. If the entire acre-feet amounts remain in reserve on each permit, the total fee will be \$590.00.

Please contact Ron Duvall or me, if you have any questions.

Sincerely,

Rachel Rodriguez

Rachel Rodriguez
Water Rights Program
605 773-3352
rachel.rodriguez@state.sd.us

Continued from previous page
aye; Grueb – aye; Vance – aye. Motion carried.

Chairman Vance declared the meeting adjourned at 9:05pm.

Scott Vance, President
Board of Education

Amie Schauer,
Business Manager

Published January 21, 2026 at the approximate cost of \$96.67 and may be viewed free of charge at www.sdpublishing.com.

Notice of Vacancy.

Black Hawk Water User District wishes to declare vacancies on their Board of Directors. Two 3-year terms will become vacant beginning February 10th, 2026.

To seek membership on this board, please pick up a nominating petition from the Black Hawk Water User District office, 5513 Oak Street, Black Hawk, South Dakota between the hours of 8:00 am and 5:00 pm Monday through Friday. Signed petitions must be returned to the District Office by February 10th, 2026.

Published January 21 & 28, 2026 at the approximate cost of \$15.25 and may be viewed free of charge at www.sdpublishing.com.

NOTICE OF DEADLINE FOR FILING NOMINATING PETITIONS FOR THE PRIMARY ELECTION AND FOR FILING INDEPENDENT CANDIDATE PETITIONS

The deadline for filing nominating petitions for the Primary Election is March 31, 2026, at 5:00 p.m. Mountain Time. If a petition is mailed by registered mail by March 31, 2026, at 5:00 p.m. Mountain Time, it is considered filed.

The deadline for filing nominating petitions to run as an independent candidate in the Primary Election is April 28, 2026, at 5:00 p.m. Mountain Time. If a petition is mailed by registered mail by April 28, 2026, at 5:00 p.m. Mountain Time, it is considered filed. For the offices of Meade County Commissioner District #1, Commissioner District #3, Commissioner District #5, Auditor, Register of Deeds, Sheriff, Precinct Committeemen and Committeewomen and Delegates to State Party Conventions, nominating petitions must be filed in the office of the Meade County Auditor, and nominating petitions for the offices of US Senator, US Representative, Governor, Attorney General, Secretary of State, State Auditor, State Treasurer, Commissioner of School & Public Lands, Public Utilities Commissioner, House of Representatives District #29, House of Representatives District #33, State Senate District #29, State Senate District #33, must be filed in the Office of the Secretary of State, 500 E Capitol Ave, State Capitol Building, Pierre, SD 57501.

Nominating petitions for the offices of Meade County Commissioner District #1, Commissioner District #3, Commissioner District #5, Auditor, Register of Deeds, Sheriff, Precinct Committeemen and Committeewomen and Delegates to State Party Conventions, must be filed in the office of the County Auditor during regular business hours. Nominating petitions for the offices of US Senator, US

Representative, Governor, Attorney General, Secretary of State, State Auditor, State Treasurer, Commissioner of School & Public Lands, Public Utilities Commissioner, House of Representatives District #29, House of Representatives District #33, State Senate District #29, and State Senate District #33 must be filed in the Office of the Secretary of State, State Capitol Building, 500 E Capitol Ave, Pierre, SD 57501, between the hours of 8:00 a.m. and 5:00 p.m. Central Time.

Dawn Christenson
Meade County Auditor

Published January 21 & 28, 2026 at the approximate cost of \$55.44 and may be viewed free of charge at www.sdpublishing.com.

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NO. 1833-2

Notice is given that the Water Management Board will review Future Use Permit No. 1833-2 held by the Weston Heights Homeowners Association, 6410 Jennifer 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 Permit No. 1833-2. This permit was approved 1983 and currently reserves 211 acre-feet from the Madison Aquifer located in E 1/2 Section 2-T2N-R7E. The water is reserved for rural water system use located approximately three miles north of Rapid City SD. The permit was last reviewed in 2018.

Pursuant to SDCL 46-2A-2 the Acting Chief Engineer of the Water Rights Program recommends that Permit No. 1833-2 REMAIN in EFFECT for 211 acre-feet annually because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed use will be a beneficial use and 4) it is in the public interest. The Acting Chief Engineer's recommendation with qualifications is available at <https://danr.sd.gov/public> or contact Ron Duval for this information, or other information, at the Water Rights Program address provided below.

The Water Management Board will conduct the hearing to review Future Use Permit No. 1833-2 on March 4, 2026, at 9:30 AM (Central Time), Floyd Matthew Training Center, Joe Foss Bldg., 523 E Capitol Ave., Pierre SD.

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

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

filed on a form provided by the Acting Chief Engineer. The petition form is available online at <https://danr.sd.gov/public> or by contacting the Acting Chief Engineer. The Acting Chief Engineer's address is "Water Rights Program", Joe Foss Building, 523 E 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 February 2, 2026.

The petition shall be in writing and shall include a statement describing the unique injury upon renewal of the future use permit on the petitioner, the reasons for petitioner's opposition to renewal of the future use permit, and the name and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The hearing to review Future Use Permit No. 1833-2 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 Permit. The request for a delay must be filed with the Acting Chief Engineer by February 2, 2026.

Any interested person may file a comment on the future use permit renewal with the Acting Chief Engineer. The comment shall be filed on a form provided by the Acting Chief Engineer and is available online at <https://danr.sd.gov/public> or by calling (605) 773-3352 or writing the Acting Chief Engineer at the address provided above. Filing a comment does not make the commenter a party of record or a participant in any hearing that may be held. Any comment must be filed by February 2, 2026.

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 February 2, 2026. However, since this particular matter is a future use permit renewal and not a monetary controversy in excess of \$2,500.00 or termination of a property right the Acting Chief Engineer disputes the applicability of this provision and maintains that the hearing must be conducted by the Board.

Published January 21, 2026 at the approximate cost of \$66.99 and may be viewed free of charge at www.sdpublishing.com.

MEADE SCHOOL DISTRICT 46-1 MEETING MINUTES, Monday, January 12, 2026 5:00 PM Regular Board Meeting Board Room, Williams Administration Building

Board Member Present: Aaron Odegaard, Brian Voight, Justin Jutting, Lee Spring, Megan Snyder, Scott Bruch, Terry Koontz, Thomas Schneller, Tim Amdahl.

Others Present: Wayne Wormstadt, Brett Burditt, district staff, community members and SBHS government students.

Regular board meeting called to order at 5:00 PM

Call meeting to order/roll call

Pledge of Allegiance

Executive Session SDCL 1-25-2 Executive or closed meetings—Purposes: Authorization—Violation as misdemeanor. Executive or closed meetings were held for the sole purpose of View SDCL 1-25-2 for all reasons for executive session.

MOTION by Voight, seconded by Amdahl, and Carried to enter executive session to discuss Legal Counsel (SDCL-1-25-2.3) at 5:01 pm.

Board Members Present: Aaron Odegaard, Brian Voight, Lee Spring, Megan Snyder, Scott Bruch, Terry Koontz, Thomas Schneller, Tim Amdahl.

Board Members Absent: Justin Jutting

Others Present: Wayne Wormstadt
Board Vice President declared to leave executive session at 5:29 pm.

Board members reconvened at 5:30 pm to the regular school board meeting.

Agenda

MOTION by Voight, seconded by Snyder, and Carried to amend the Agenda and add Action Item 9f - Approve Attorney's Letter in Response to Conflict of Interest Complaint.

Consent Agenda

MOTION by Koontz, seconded by Odegaard, and Carried to approve the Consent Agenda as presented.

Regular Meeting Minutes on Monday, December 8, 2025

Personnel

The following personnel are presented for the board's consideration: Change in Hourly Rate (Support Staff): Kasha Wells, food service, Sturgis Williams Middle School, \$15.75/hr to \$17.75/hr (Tier 2), eff. 1/12/2026. Resignation (Support Staff): Tod Lanphear, maintenance, Buildings & Grounds Department, eff. 12/10/2025. Retirement (Certificated): Janis Mathis-Anderson, teacher, Sturgis Elementary, eff. end of 2025-26; Julie Meyer, teacher, Sturgis Elementary, eff. end of 2025-26; Laura Sandness, teacher, District-wide, eff. end of 2025-26; Amy Richards, teacher, Rural, eff. end of 2025-26; Gary Nelson, teacher, Sturgis Williams Middle School/Stagebarn Middle School, eff. end of 2025-26; Kim Cunningham, teacher, Stagebarn Middle School, eff. end of 2025-26; Coleen Keffeler, assistant principal, Sturgis Brown High School, eff. end of 2025-26.

Financial Reports

Claims for Payment

January 12, 2026 Newspaper board report 3E Eldrc, Rpr 1262.75; AB Bsns, Sppls 43.38; AB Wldgn, Sppls 1452.23; AJ Sppl, Sppls 499.75; Ac Hrdwr, Sppls 573.81; Advcd Pymnts, Offcls 7044.53; AL crml, Rpr 1355.29; Amzn, Sppls 6797.22; Amrcn Inn, Trvl 2117.28; Amck, Mntng 601.10; Baker Kellie, Rfnd 13.80; Bannrs, Sppls 1004.36; Bnnt Tmsrtn, Snw Rmvl 1800.00; Bst by, Sppls 159.27; Bst Wstrn, Trvl 60.00; Brschbch Eqpmnt, Sppls 149.00; BH Wtr, Utylts 138.40; BH Cnsng, Cnsng 440.00; BH

Chmcl, Sppls 6513.08; BH Enrgy, Utylts 53529.91; BH Pst cntrl, Pst cntrl 965.00; BH pnnr, Pblshng 699.05; BHSS, Tuition 156098.79; BHSU, Rgstrn 820.00; BH Urgnt cr, Physcl 100.00; BH Wrks, Tuition 15000.00; Bkck art, Sppls 248.12; Crln Bldg, Sppls 2127.81; Csy Ptrsn, Svcs 167.68; Cshw, Food 48511.51; CBH, Fuel 1101.47; Cdr shr rstr, Trvl 131.35; CMCS Cntr, Rntl 5855.00; Chldrns Home, Tuition 2894.04; Cty Smmrst, Utylts/ SRO 4186.02; Clls slvr, Sftwr 895.90; Cllsy cks, Sppls 352.00; Clnr, Clnng svcs 3503.56; Coke, Sppls 4905.00; Combnd bldgs, Rpr 1637.04; Comfrt Inn, Trvl 979.04; Cmmthc, Eqpmnt 972.43; Cl cncpt, Trvl 35.34; Cppr coff, Sppls 260.50; Crm Elctrc, Sppls 281.91; Cstr HS, Rgstrn 200.00; Dkt Bus, Trmsprtn 9103.50; Dll cntl, INS 22053.34; DEMCO, Sppls 1843.76; Est Sd Dry, Milk 7340.92; Ennmng Prpn, Utylts 3476.74; Eqilty St Frms, Sppls 12788.90; Fth Indpdnt, Pblshng 280.32; Flg ldy, Sppls 205.00; Flsprts, Rgstrn 238.70; Fllt, Sftwr 2220.00; Frdl pntng, Pntng 6380.70; Gldnstr, Utylts 518.46; Gphr, Sppls 103.42; Grnd Elctr, Utylts 406.05; Grvtykt, Sftwr 349.00; Gmscp, Wntzr 345.00; HH Sptr, Rpr 1250.00; Hmptn Inn, Trvl 1512.00; Hrlws, Tmsprtn 340424.58; Home dpt, Sppls 99.00; Hugh O'Brian Yth, Rgstrn 350.00; Innvvt, Sppls 137.88; Inlrst Bttry, Sppls 1729.50; Jcbs Auto, Rpr 426.53; Jacobs Noelle, Psych Svcs 1386.75; Jmy mcgrfn, Food 360.00; JW Peppr, Sbscrptn 626.08; Kfr, Utylts 1828.17; KLH Cnslng, Psych Svcs 5717.40; Klinghagen Jason, Mlg 171.08; Lfscp, Tuition 4998.00; Lghspd, Sppls 41.00; Ls Endz clnng, Cntrcd Clnng 24289.94; Lowes, Eqpmnt 943.06; Lynns, Sppls 591.56; Mndn Anclvts, Rgstrn 275.00; MB Tr, Snw rml 875.00; Meade Schl FS, Sppls 1888.65; Mnrds, Sppls 181.48; MIDCO, Utylts 5465.51; Mldcntnnt, Tstng 130.00; MDU, Utylts 29052.28; MSC Indstrl, Sppls 181.75; NAPA, Sppls 233.03; Ntl Assn Schl Psch, Rgstrn 299.00; Ntl Spch & Dbl, Dues 180.00; Nfvt360, Sftwr 4006.48; NFHS Lm, Sbscrptn 175.00; Nies Karras Skjoldal, Lgl srvc 2250.00; Offc Fr Mrshl, Inspctn 160.00; Ong Tr Emlpmtnt, Bkpm 275.50; Owms Intgr, Rpr 409.99; Pmbnd, Books 1699.02; Pdmtt city, Utylts 692.12; Pzz Hut, Sppls 2346.78; QBS, Rgstrn 1682.00; Qlty qck pmt, Sppls 250.00; Qll, Sppls 493.65; RC Area Schs, Rgstrn 300.00; Rsmssn, Sppls 52.63; Rfs, Utylts 970.21; Rehberg Megan, Mlg 1121.82; Rchtrs Tire, Rpr 2026.46; Rshmr Offc, Sppls 139.00; Svvs, Txtbks 6500.00; Scrrps Nln Spng bee, Rgstrn 199.00; SD Assn Ag Edctrs, Rgstrn 125.00; SD Dept Hmn Svcs, Tuition 10748.45; SD Jnt choir, Rgstrn 180; SDMEA Elk Pnt Schl, Rgstrn 120.00; Sct Strs, Rgstrn 204.39; Srvl, Lndry svcs 3967.40; Svrsn Dtr wrk, Sppls 348.08; SODAK Tch, Rpr 260.20; SD Assn Cllg, Rgstrn 950.00; Sp cln bty, Sppls 0.00; Spis, Sppls 4809.09; Strghtlk, Phone 36.47; Strgs Strks, Sppls 176.40; Strgs Tire, Sppls 176.40; Strgs city Utylts/SRO 39127.97; Smmt, Inspctn 871.50; Sn Lf, INS 7460.43; Sprr wr, Sppls 84.96; Spplly House, Sppls 1245.90; Synchry Bnk, Sppls 890.57; Tyr Msc, Sppls 103.00; TPT, Subscrptn 37.16; Tmcth, Sppls 3207.22; Txs Rdhs, Sppls 329.84; Toms TS, Sppls 1763.48; Trgn, Sppls 2052.00; Trst Gvrmlt Fnc, Dtbl pymnt 149305.54; TA cntrl, Rfnd 41.60; Untd Arns, Trvl 559.66; USD, Tuition 4759.20; US bnk, Pmrl Is 5749.69; VAMC, Utylts 1035.26; Vrzn, Hl spl 125.08; Vslb dffnc jntrl, Cntrcd clnng 13961.46; Vst pmt, Sppls 312.50; Wg-wrks, Fees 407.25; Wlmt, Sppls 147.96; Webmstrng, Eqpmnt 312.23; Wllmrk, INS 253110.00; Wrngn Auto, Rpr 498.00; Wst vr Elctrc, Utylts 1254.30; Wex, Fuel 2104.34; WWW chmbr, Mmbrshp 50.00; WW city, Utylts 61.92; Weser Carl, Mlg 902.16; Wnd Msc, Sbscrptn 165.00; Wdstck, Sppls 971.67. Cash for

Continued on next page

AFFIDAVIT OF PUBLICATION

Kathryn Patterson undefined

State of Florida, County of Orange, ss:

I, Anjana Bhadoriya, 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:

- Jan 22, 2026

NOTICE ID: vfECf9Yj6MLQFrPU7FZF

NOTICE NAME: 1833-2 Weston Heights HOA - Public Notice

TOTAL AD COST: \$123.67

Anjana Bhadoriya

Agent

VERIFICATION

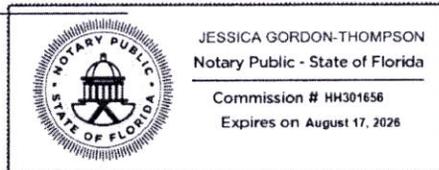
State of Florida
County of Orange

Signed or attested before me on this: 01/23/2026

J. Thompson

Notary Public

Notarized remotely online using communication technology via Proof.



NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NO. 1833-2

Notice is given that the Water Management Board will review Future Use Permit No. 1833-2 held by the Weston Heights Homeowners Association, 6410 Jennifer 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 Permit No. 1833-2. This permit was approved 1983 and currently reserves 211 acre-feet from the Madison Aquifer located in E 1/2 Section 2-T2N-R7E. The water is reserved for rural water system use located approximately three miles north of Rapid City SD. The permit was last reviewed in 2018.

Pursuant to SDCL 46-2A-2 the Acting Chief Engineer of the Water Rights Program recommends that Permit No. 1833-2 REMAIN in EFFECT for 211 acre-feet annually because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed use will be a beneficial use and 4) it is in the public interest. The Acting Chief Engineer's recommendation with qualifications is available at <https://danr.sd.gov/public> or contact Ron Duvall for this information, or other information, at the Water Rights Program address provided below.

The Water Management Board will conduct the hearing to review Future Use Permit No. 1833-2 on March 4, 2026, at 9:30 AM (Central Time), Floyd Matthew Training Center, Joe Foss Bldg., 523 E Capitol Ave., Pierre SD.

The recommendation of the Acting Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) allow the permit to remain in effect, 2) amend the permit by adding qualifications, 3) cancel the permit for no development or no planned future development, or 4) take no action after it reaches a conclusion based upon facts presented at the public hearing. Any person who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, shall allege that the renewal of the future use permit, upon approval, will cause injury to the person that is unique from any injury suffered by the public in general. The injury must concern a matter either within the regulatory authority found in SDCL 46-2A-9 for approval or denial of the renewal, or other matter concerning the renewal within the regulatory authority of the board to act upon as defined by SDCL 46-2-9 and 46-2-11, or both. Any person meeting the petitioner requirements and wishing to be a party of record in a contested case hearing shall file a written petition with BOTH the permit owner and the Acting Chief Engineer. A petition opposing the renewal shall be filed on a form provided by the Acting Chief Engineer. The petition form is available online at <https://danr.sd.gov/public> or by contacting the Acting Chief Engineer, The Acting Chief Engineer's address

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 February 2, 2026.

The petition shall be in writing and shall include a statement describing the unique injury upon renewal of the future use permit on the petitioner, the reasons for petitioner's opposition to renewal of the future use permit, and the name and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The hearing to review Future Use Permit No. 1833-2 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 Permit. The request for a delay must be filed with the Acting Chief Engineer by February 2, 2026.

Any interested person may file a comment on the future use permit renewal with the Acting Chief Engineer. The comment shall be filed on a form provided by the Acting Chief Engineer and is available online at <https://danr.sd.gov/public> or by calling (605) 773-3352 or writing the Acting Chief Engineer at the address provided above. Filing a comment does not make the commenter a party of record or a participant in any hearing that may be held. Any comment must be filed by February 2, 2026.

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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 February 2, 2026.

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

the hearing must be conducted by the Board.

(Published January 22, 2026 for a total approximate cost of \$123.67 and may be viewed for free at www.sdpublicnotices.com)
Legal No: COL-SD-4012

Rodriguez, Rachel

From: Art & Kathryn Patterson <vpatterson@rap.midco.net>
Sent: Friday, January 23, 2026 3:19 PM
To: leelegals@column.us; Rodriguez, Rachel
Subject: Re: [EXT] 1833-2 Weston Heights HOA - Public Notice

Check to pay for this legal notice has been mailed.

Thank you for your time and attention.
Kathryn

From: [Renniel Pasia](#)
Sent: Thursday, January 15, 2026 10:38 AM
To: [Rodriguez, Rachel](#) ; vpatterson@rap.midco.net
Subject: Re: 1833-2 Weston Heights HOA - Public Notice

Hi there,

Your notice is scheduled to be published in the The Rapid City Journal on January 22, 2026. Your Notice ID is: [vfECf9Yj6MLQFrPU7FZF](#)

You will be receiving a notification from Column Support with your proof. If you don't see it, check your spam folder and any email restrictions you may have.

For the fastest and most reliable placement process, use [column.us](#) to quickly place notices yourself, get proofs, view pricing, and access your invoices and affidavits. Visit our [help center](#) for tips, or sign up for one of our [training webinars](#).

If you have any questions or concerns, please don't hesitate to let us know so we can look into it!

—
// Renniel



On January 15, 2026 at 11:35 AM EST rachel.rodriquez@state.sd.us wrote:

Good Morning Bailee,

I just spoke with Kathryn and explained the process. Her email address is vpatterson@rap.midco.net

Thank you,

Rachel Rodriguez
DANR | Program Assistant
Rachel.Rodriguez@state.sd.us



From: Bailee Liston <leelegals@column.us>
Sent: Thursday, January 15, 2026 10:02 AM
To: Rodriguez, Rachel <Rachel.Rodriguez@state.sd.us>; legals@rapidcityjournal.com
Subject: Re: [EXT] 1833-2 Weston Heights HOA - Public Notice

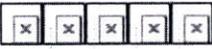
Hi Rachel,

We attempted to obtain an email address for Kathryn to ensure that the proof, invoice, and affidavit are correctly associated with her account. However, upon contacting her, she indicated that she was unaware of any legal posting and did not provide an email address.

Could you please verify the appropriate email address to use for sending the proof, invoice, and affidavit?

Thank you,

—
// Bailee Liston
// Column Pro Representative
// **Important: it's highly advised that you use Column's self-serve portal to place your legal ads.**
Column lets you review your ad before submission, receive your proof, and ensure accuracy. Go to column.us/place to start.

How did I do? 

On January 15, 2026 at 7:17 AM PST rachel.rodriquez@state.sd.us wrote:

Attached is a notice to be published on January 22, 2026.

Weston Heights Homeowners Association, c/o Kathryn Patterson, 6410 Jennifer Street, Rapid City SD 57701, 605-394-8978, has been notified to contact you to authorize publication and arrange for payment.

Please send the affidavit or return the attached Proof of Publication form ASAP to the Water Rights Program, Attn Rachel Rodriguez, 523 E Capitol Ave, Pierre SD 57501.

Let me know if you have questions. Please confirm receipt of this email.

Thank you,

Rachel Rodriguez

DANR | Program Assistant

Rachel.Rodriguez@state.sd.us



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

January 15, 2026

NOTE: TO BE SURE OF PUBLICATION ON
THE CORRECT DATE, CONTACT
THE NEWSPAPERS RIGHT AWAY.

Weston Heights Homeowners Association
c/o Kathryn Patterson
6410 Jennifer Street
Rapid City SD 57701

Dear Ms. Patterson:

Future Use Permit No. 1833-2 will be reviewed for progress in the development and future plans for use of the water reserved. Water rights law requires publication of a notice in the county where water will be diverted or used. Notice of this review has been sent to the Faith Independent (605 967-2161) and the Rapid City Journal (see contact information). For your information, a copy of the Acting Chief Engineer's recommendation is enclosed. Please review this notice prior to publication and notify this office, if you have any corrections or questions.

BE SURE TO CONTACT THE ABOVE NEWSPAPER(S) IMMEDIATELY TO AUTHORIZE PUBLICATION OF THE NOTICE OF HEARING AND TO ARRANGE FOR PAYMENT. Early contact with the papers can eliminate delays. The publishers have been instructed to publish this notice on January 21 (Faith Independent) and 22 (Rapid City Journal). We must receive Proof of Publication before the future use review can be considered by the Water Management Board.

Sincerely,

Rachel Rodriguez

Rachel Rodriguez
Water Rights Program
605 773-3352
rachel.rodriguez@state.sd.us

enclosures

Instruction to Newspaper - Publish the following Notice on January 21 or 22, 2026. The Weston Heights Homeowners Association. is responsible for payment.

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NO. 1833-2

Notice is given that the Water Management Board will review Future Use Permit No. 1833-2 held by the Weston Heights Homeowners Association, 6410 Jennifer 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 Permit No. 1833-2. This permit was approved 1983 and currently reserves 211 acre-feet from the Madison Aquifer located in E 1/2 Section 2-T2N-R7E. The water is reserved for rural water system use located approximately three miles north of Rapid City SD. The permit was last reviewed in 2018.

Pursuant to SDCL 46-2A-2 the Acting Chief Engineer of the Water Rights Program recommends that Permit No. 1833-2 REMAIN in EFFECT for 211 acre-feet annually because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed use will be a beneficial use and 4) it is in the public interest. The Acting Chief Engineer's recommendation with qualifications is available at <https://danr.sd.gov/public> or contact Ron Duvall for this information, or other information, at the Water Rights Program address provided below.

The Water Management Board will conduct the hearing to review Future Use Permit No. 1833-2 on March 4, 2026, at 9:30 AM (Central Time), Floyd Matthew Training Center, Joe Foss Bldg., 523 E Capitol Ave., Pierre SD.

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

Any person who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, shall allege that the renewal of the future use permit, upon approval, will cause injury to the person that is unique from any injury suffered by the public in general. The injury must concern a matter either within the regulatory authority found in SDCL 46-2A-9 for approval or denial of the renewal, or other matter concerning the renewal within the regulatory authority of the board to act upon as defined by SDCL 46-2-9 and 46-2-11, or both. Any person meeting the petitioner requirements and wishing to be a party of record in a contested case hearing shall file a written petition with BOTH the permit owner and the Acting Chief Engineer. A petition opposing the renewal shall be filed on a form provided by the Acting Chief Engineer. The petition form is available online at <https://danr.sd.gov/public> or by contacting the Acting Chief Engineer. The Acting Chief Engineer's address is "Water Rights Program", Joe Foss Building, 523 E 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 February 2, 2026.

The petition shall be in writing and shall include a statement describing the unique injury upon renewal of the future use permit on the petitioner, the reasons for petitioner's opposition to renewal of the future use permit, and the name and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The hearing to review Future Use Permit No. 1833-2 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 Permit. The request for a delay must be filed with the Acting Chief Engineer by February 2, 2026.

Any interested person may file a comment on the future use permit renewal with the Acting Chief Engineer. The comment shall be filed on a form provided by the Acting Chief Engineer and is available online at <https://danr.sd.gov/public> or by calling (605) 773-3352 or writing the Acting Chief Engineer at the address provided above. Filing a comment does not make the commenter a party of record or a participant in any hearing that may be held. Any comment must be filed by February 2, 2026.

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 February 2, 2026. However, since this particular matter is a future use permit renewal and not a monetary controversy in excess of \$2,500.00 or termination of a property right the Acting Chief Engineer disputes the applicability of this provision and maintains that the hearing must be conducted by the Board.

Published once at the approximate cost of _____.



**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. 1833-2, Weston Heights Homeowners Association**

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. 1833-2, Weston Heights Homeowners Association, 6410 Jennifer Street, Rapid City SD 57701.

The Acting Chief Engineer is recommending that Future Use Permit No. 1833-2 REMAIN in EFFECT for 211 acre-feet annually because 1) there is reasonable probability that there may be development of the water reserved under Permit No. 1833-2, 2) the homeowners association has demonstrated a reasonable need for the water reserved by Permit No. 1833-2, 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. 1833-2 is subject to payment of the \$ 75.00 fee pursuant to SDCL 46-2-13(2) within 60 days of notice to the homeowners association after the Board hearing.

Mark Mayer, PE
Director of Office of Water
January 14, 2026

Weston Heights Homeowners Association
6410 Jennifer Street
Rapid City, SD 57701

Rachel Rodriguez
Water Rights Program
Department of Agriculture and Natural Resources
Joe Foss Building
523 E. Capitol Ave.
Pierre, SD 57501-3182

Re: Future Use Permit No. 1833-2

Dear Ms. Rodriguez,

I am in receipt of your letter dated October 17 regarding the above Permit. This year has been extremely busy as Mr. Bob Olson announced he wished to retire as the water maintenance person for the Association. This initiated a search for a replacement and following applications and interviews it was agreed by the Board to hire Al Sage of Sage Water Works beginning on July 1, 2025.

The Association is currently also in the process of erecting a new, larger water tower as a result of a loan and grant of funds from DANR. A portion of the funds are in the form of a loan and a larger portion were granted under the ARPA Program from the Federal Government. This tower is expected to be completed by the end of 2026.

There are currently 12 lots within the development that are not developed and for sale. One lot was just recently sold to the Sanitation/Paving District by Meade County. The remaining 11 lots are deeded to the Association. Of these lots, there are currently five that will have utilities of water, sewer, and electricity by the end on 2026 and can be place for sale and development. This is only possible at the current time due to the new, larger water tower under construction.

Current amounts of water use were:

2019 – 14,701,100 gallons
2020 – 14,841,100 gallons
2021 – 25,993,300 gallons
2022 – 31,569,400 gallons
2023 – 37,145,500 gallons
2024 – 40,075,746 gallons
2025 – 34,181,100 gallons

The Association is still depositing funds of \$1,450.00 i construction and will continue to do so in the future w the new tower in order for loan repayment.

If you have questions, please contact me at 605-394-8

Sincerely,

Kathryn Patterson

Kathryn Patterson, President
Weston Heights Homeowners Assn. Board

Hold until Jan 2026
for March 2026
board meeting

Waiting for a
written response
re: reasonable
need to
renew.

RECEIVED

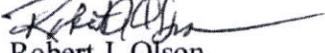
SEP 29 2025

OFFICE OF
WATER

Department of Agriculture
And Natural Resources
Joe Foss Buliding
523 E. Captial Ave.
Pierre, SD 57501-3182

Dear Rachel Roriguez

Total Water Produced 2023 was 37145500, 2024 was 40075746, and 2025 is 34181100.
Also included is a check for \$75.00,



Robert J. Olson
Weston Heights Water Maintence
6524 Beverly Drive
Rapid City, SD 57701



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

October 17, 2025

Weston Heights Homeowners Assoc.
c/o Bob Reynolds
6524 Beverly Drive
Rapid City SD 57701

Dear Mr. Reynolds,

I am in receipt of your \$75.00 check for Future Use Permit No. 1833-2. However, your response only provided the water use. We need a written response that should outline a reasonable need for retaining Future Use Permit No. 1833-2.

I have enclosed the response from the last seven-year review (2018) so you have an idea of the response we need.

Please contact Ron Duvall or me, if you have any questions.

Sincerely,

Rachel Rodriguez

Rachel Rodriguez
Water Rights Program
605 773-3352
rachel.rodriguez@state.sd.us

enclosure



RECEIVED

SEP 29 2025

OFFICE OF
WATER

**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

PAID

SEP 29 2025

Ck# 4701

Rec't# _____

September 11, 2025

Weston Heights Homeowners Assoc.
c/o Bob Reynolds
6524 Beverly Drive
Rapid City SD 57701

Dear Mr. Reynolds,:

I am writing in regard to the seven-year review of Future Use Water Permit No. 1833-2 from the Madison Aquifer held by the Weston Heights Homeowners Association. By law, all future use permits are to be reviewed by the Water Management Board every seven years to determine whether a reasonable need exists for the reserved water. The permit reserves water for future water supply needs for the association. Currently, our records show that 211 acre-feet remain in reserve under this future use permit that was issued in 1983 and last reviewed in 2018.

Please respond in writing by October 1, 2025, regarding the association's intention for the future use permit. If the association plans to retain the permit, then the response should outline a reasonable need for retaining the future use permit, including an estimate of future needs and any annual pumping records for the past three years.

Permit No. 1833-2 will then be public noticed at the associations's expense and scheduled for review before the Water Management Board pursuant to SDCL 46-5-38.1. Notice will be given of the hearing time and place at a future date. The purpose of this review is to determine if a reasonable need exists for retaining the permit. A fee will be charged if the Board allows the permit to remain in effect after the hearing. The fee to be assessed will be dependent upon the amount of water allowed to remain in reserve. If the entire 211 acre-feet remain in reserve, the fee will be \$75.00.

Please contact Ron Duvall or me, if you have any questions.

Sincerely,

Rachel Rodriguez

Rachel Rodriguez
Water Rights Program
605 773-3352
rachel.rodriquez@state.sd.us

RECEIPT

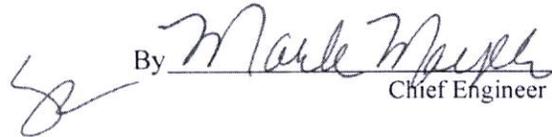
WATER RIGHTS PROGRAM South Dakota Department of Agriculture and Natural Resources

Date September 29th, 2025

RECEIVED OF Weston Heights Homeowners Association 6524 Beverly Drive Rapid City SD 57701

The following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	\$ _____
Fee for Application for Permit No. _____ to Appropriate Water for Future use	\$ _____
Fee to retain Future Use Permit No. _____ after period of seven years.	<u>\$75.00</u>
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____	\$ _____
Fee for Filing Transfer Form _____	\$ _____
Fee for _____	\$ _____
Fee for Issuing New Well Driller's License No. _____	\$ _____
Fee for Renewal of Well Driller's License No. _____	\$ _____
Fee for Issuing Well Pump Installer's License No. _____	\$ _____
Fee for Renewal of Well Pump Installer's License No. _____	\$ _____
(Any Other Work Provided by Law)	TOTAL
	<u>\$75.00</u>

By  _____
Chief Engineer

RECEIPT

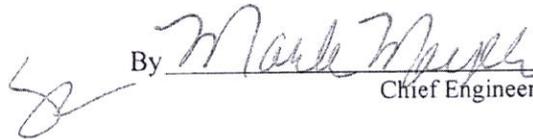
WATER RIGHTS PROGRAM
South Dakota Department of Agriculture and Natural Resources

Date September 29th, 2025

RECEIVED OF Weston Heights Homeowners Association 6524 Beverly Drive Rapid City SD 57701

The following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	\$ _____
Fee for Application for Permit No. _____ to Appropriate Water for Future use	\$ _____
Fee to retain Future Use Permit No. _____ after period of seven years.	<u>\$75.00</u>
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____	\$ _____
Fee for Filing Transfer Form _____	\$ _____
Fee for _____	\$ _____
Fee for Issuing New Well Driller's License No. _____	\$ _____
Fee for Renewal of Well Driller's License No. _____	\$ _____
Fee for Issuing Well Pump Installer's License No. _____	\$ _____
Fee for Renewal of Well Pump Installer's License No. _____	\$ _____
(Any Other Work Provided by Law)	TOTAL
	<u>\$75.00</u>

By  _____
Chief Engineer

CANCELLATIONS – March 4, 2026

Number RT/PE	Previous Owner	Present Owner(s) & Other Persons Notified	County	Amount cfs/ac/ac-ft	Use	Reason	Source	Date Notified
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DIVISION I

PE 2026-1	-	Whiskey Ridge LLC c/o Shanon Vasknetz	MD	0.10 cfs 36.2 ac-ft	DOM WDS	N/C A	1 well (MNLS)	2-6-2026
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DIVISION II

RT 399A-2	-	Steve Simunek	FR	N/A	COM	A	Cheyenne River	2-6-2026
PE 2822-2	-	Johnson Land & Cattle LLC c/o Adam Johnson	BT	2.56 cfs 180 ac	IRR	N/C A	1 well (OGLL)	2-6-2026

DIVISION III

RT 1585-3	-	Putnam Family Farm LTD c/o Everett Putnam	HU	1.59 cfs 111 ac	IRR	A/F	Medicine Creek	2-6-2026
RT 4842-3	Brandon Materials Co c/o Mark Thompson	Oakland Homes c/o Justin Oakland	MA	10.7 cfs	IND	A/F	Dugout (BS:S)	2-6-2026
PE 8352-3	-	Oscar Inc. c/o Floyd Peterson	SP	6.86 cfs 480 ac	IRR	N/C	James River	2-6-2026

ABBREVIATIONS

N/C = NON-CONSTRUCTION	A/F = ABANDONMENT OR FORFEITURE	A = ABANDONMENT	F = FORFEITURE
FU = FUTURE USE PERMIT	VR = VESTED WATER RIGHT	PE = WATER PERMIT	RT = WATER RIGHT
IRR = IRRIGATION	GEO = GEOTHERMAL	COM = COMMERCIAL	MUN = MUNICIPAL
INS = INSTITUTIONAL	FWP = FISH & WILDLIFE PROPAGATION	DOM = DOMESTIC	IND = INDUSTRIAL

CERTIFICATION

The undersigned hereby certifies under the penalty of perjury that I have personally deposited a true and correct NOTICE OF CANCELLATION dated February 6, 2026, into the United States Mail in Pierre, South Dakota, first class postage prepaid to the following Water Permit and Right holders on February 6, 2026.

Water Permit No. 2026-1

Whiskey Ridge LLC
c/o Shannon Vasknetz
2327 Junction Ave
Sturgis SD 57785

Water Right No. 1585-3

Putnam Family Farm LTD
c/o Everett Putnam
20616 Chelsey Rd
Pierre SD 57501

Water Right No. 4842-3

Oakland Homes
c/o Justin Oakland
312 E Holly Blvd #2
Brandon SD 57005

Water Permit No. 2822-2

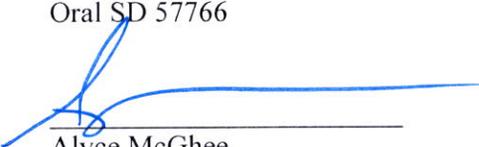
Johnson Land & Cattle LLC
c/o Adam Johnson
24171 Killdeer Dr
Cody NE 692111

Water Permit No. 8352-3

Oscar Inc
c/o Floyd Peterson
209 27th St, NW
Huron SD 57350

Water Right No. 399A-2

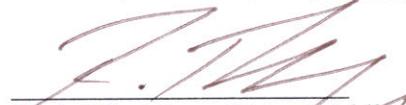
Steve Simunek
27535 S Buffalo Gap Rd
Oral SD 57766



Alyce McGhee
Senior Secretary-Water Rights

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 6th day of Feb, 2026



Rachel Rodriguez Notary Public
My Commission expires May 16, 2029





**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

February 6, 2026

NOTICE OF CANCELLATION

TO: Whiskey Ridge LLC, c/o Shannon Vasknetz, 2327 Junction Ave, Sturgis SD 57785

FROM: Amanda Dewell, Permitting Administrator, Water Rights Program
For Adam Mathiowetz, PE, Acting Chief Engineer

SUBJECT: Cancellation of Water Permit No. 2026-1

Water Permit No. 2026-1, held by Whiskey Ridge LLC, authorized the appropriation of up to 36.2 acre-feet of water annually, at a maximum rate of 0.10 cubic feet of water per second from one well to be completed into the Minnelusa Aquifer, for use in a water distribution system, located in Meade County, South Dakota. Upon receipt of the Water Well Completion Report, it was determined that the well drilled for this project was completed into a different aquifer (Sundance Aquifer), for which Whiskey Ridge LLC has obtained a new permit (Permit No. 2048-1). The acting Chief Engineer of the Water Rights Program is recommending cancellation of Water Permit No. 2026-1, due to non-construction or, abandonment, or both.

The Water Management Board will consider cancellation of Water Permit No. 2026-1 at **9:30 am, Wednesday, March 4, 2026 (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD (*the agenda time is an estimate, and the actual time of hearing may be later*).

The recommendation of the acting Chief Engineer is not final or binding upon the Board. The Board is authorized to 1) cancel, 2) cancel portions of, 3) delay action on, or 4) take no action on Water Permit No. 2026-1 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 February 17, 2026. The petition may be informal, but it must include a statement describing the reasons for your opposition to the cancellation, and your signature and mailing address or your legal counsel if legal counsel is obtained.

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

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

The time of the hearing will be automatically extended for at least twenty days upon your written request to the acting Chief Engineer after a petition has been filed to oppose the cancellation. If an extension is requested, the hearing on the cancellation will be continued until the next regular Board Meeting. Any request for extension must be filed with the acting Chief Engineer by February 17, 2026.

Prior to February 17, 2026, contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) if assistance is needed with the following: 1) further information on the proposed cancellation; 2) to assure access to the meeting room for the handicapped; or 3) to obtain an interpreter for the hearing impaired.

According to SDCL 1-26-18.3, parties to a contested case may use the Office of Hearing Examiners to conduct a hearing if either a property right is being terminated or the dollar amount in controversy exceeds \$2,500.00. If you choose to use the Office of Hearing Examiners rather than the hearing procedure described above, then you need to notify the acting Chief Engineer (Water Rights Program, 523 E. Capitol Avenue, Pierre SD) by February 17, 2026.



**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. 2026-1, WHISKEY RIDGE LLC**

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. 2026-1.

After receiving the Water Well Completion Report submitted for the well drilled under Permit No. 2026-1, it was determined by Program staff that the well had been completed into the Sundance Aquifer, rather than the permitted Minnelusa Aquifer. After discussions with Whiskey Ridge LLC representatives, it was determined that it was more cost effective to obtain permitting (Permit No. 2048-1) for the developed well, rather than having a new well drilled.

The acting Chief Engineer is recommending cancellation of the above water permit due to non-construction, or abandonment, or both.

Amanda Dewell, Permitting Administrator, Water Rights Program
For Adam Mathiowetz, PE, Acting Chief Engineer
February 6, 2026

Note:

Cancellation of Water Permit No. 2026-1 has no bearing on Water Permit No. 2048-1.



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

February 6, 2026

NOTICE OF CANCELLATION

TO: Steve Simunek, 27535 S Buffalo Gap Rd, Oral SD 57766

FROM: Amanda Dewell, Permitting Administrator, Water Rights Program
For Adam Mathiowetz, PE, Acting Chief Engineer

SUBJECT: Cancellation of Water Right No. 399A-2

Water Right No. 399A-2 allowed for the diversion of 1.17 cubic feet of water per second from the Cheyenne River, also authorized for irrigation under Water Right No. 399-2, to be used for commercial purposes in Fall River County, South Dakota. In a recent telephone conversation with Program staff, you reported that water was no longer being used commercially, and that all withdrawals from the Cheyenne River, were being used for irrigation under Water Right No. 399-2. The acting Chief Engineer of the Water Rights Program is recommending cancellation of Water Right No. 399A-2 for abandonment.

The Water Management Board will consider cancellation of Water Right No. 399A-2 at **9:30 am, Wednesday, March 4, 2026 (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD (*the agenda time is an estimate, and the actual time of hearing may be later*).

The recommendation of the acting Chief Engineer is not final or binding upon the Board. The Board is authorized to 1) cancel, 2) cancel portions of, 3) delay action on, or 4) take no action on Water Right No. 399A-2 based upon facts presented at the public hearing. Our records show you to be the owner of property covered by this water right. If you wish to oppose the cancellation and if you intend to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, you must file a written petition with the acting Chief Engineer by February 17, 2026. The petition may be informal, but it must include a statement describing the reasons for your opposition to the cancellation, and your signature and mailing address or your legal counsel if legal counsel is obtained.

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

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

The time of the hearing will be automatically extended for at least twenty days upon your written request to the acting Chief Engineer after a petition has been filed to oppose the cancellation. If an extension is requested, the hearing on the cancellation will be continued until the next regular Board Meeting. Any request for extension must be filed with the acting Chief Engineer by February 17, 2026.

Prior to February 17, 2026, contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) if assistance is needed with the following: 1) further information on the proposed cancellation; 2) to assure access to the meeting room for the handicapped; or 3) to obtain an interpreter for the hearing impaired.

According to SDCL 1-26-18.3, parties to a contested case may use the Office of Hearing Examiners to conduct a hearing if either a property right is being terminated or the dollar amount in controversy exceeds \$2,500.00. If you choose to use the Office of Hearing Examiners rather than the hearing procedure described above, then you need to notify the acting Chief Engineer (Water Rights Program, 523 E. Capitol Avenue, Pierre SD) by February 17, 2026.



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

**RECOMMENDATION OF ACTING CHIEF ENGINEER
FOR WATER RIGHT NO. 399A-2, STEVE SIMUNEK**

Pursuant to SDCL 46-2A-2 and 46-5-37.1, the following is the recommendation of the acting Chief Engineer, Water Rights Program, Department of Agriculture and Natural Resources concerning Water Right No. 399A-2.

Water Right No. 399A-2 allowed sharing of diversion authority for 1.17 cfs of the 5.1 cfs authorized under Water Right No. 399-2, with water being used for commercial purposes at the Fall River Feedlot. In recent discussions with Water Rights Program staff, Mr. Simunek reported that commercial use was no longer being made of water from the Cheyenne River, with waters being used solely for irrigation, as authorized by Water Right No. 399-2.

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

Amanda Dewell, Permitting Administrator, Water Rights Program
For Adam Mathiowetz, PE, Acting Chief Engineer
February 6, 2026

Note:

Cancellation of Water Right No. 399A-2 does not diminish the appropriation of water authorized under Water Right No. 399-2, for 5.1 cfs from the Cheyenne River to irrigate 357.41 acres.



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

February 6, 2026

NOTICE OF CANCELLATION

TO: Johnson & Cattle LLC, c/o Adam Johnson, 24171 Killdeer Dr, Cody NE 69211

FROM: Amanda Dewell, Permitting Administrator, Water Rights Program
for Adam Mathiowetz, Acting Chief Engineer, Water Rights Program

SUBJECT: Cancellation of Water Permit No. 2822-2

Water Permit No. 2282-2, held by Johnson Land & Cattle LLC, authorizes the diversion of 2.56 cubic feet of water per second from one well to be completed into the Ogallala Aquifer for the irrigation of 180 acres located in the NW 1/4, N 1/2 S W1/4, W1/2 NE 1/4; all in Section 10, T36N, R34W, Bennett County. After receiving the 2025 Irrigation Questionnaire, Water Rights Program staff reached out to you to discuss your report indicating the irrigation system has not been constructed. You requested that Water Permit No. 2822-2 be cancelled since two different test holes found there is not enough water to supply the development of an irrigation system.

The Water Management Board will consider cancellation of Water Permit No. 2822-2 at **9:30 am, Wednesday, March 4, 2026 (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD (*the agenda time is an estimate, and the actual time of hearing may be later*).

The recommendation of the acting Chief Engineer is not final or binding upon the Board. The Board is authorized to 1) cancel, 2) cancel portions of, 3) delay action on, or 4) take no action on Water Permit No. 2822-2 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 February 17, 2026. The petition may be informal, but it must include a statement describing the reasons for your opposition to the cancellation, and your signature and mailing address or your legal counsel if legal counsel is obtained.

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

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

The time of the hearing will be automatically extended for at least twenty days upon your written request to the acting Chief Engineer after a petition has been filed to oppose the cancellation. If an extension is requested, the hearing on the cancellation will be continued until the next regular Board Meeting. Any request for extension must be filed with the Chief Engineer by February 17, 2026.

Prior to February 17, 2026, contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) if assistance is needed with the following: 1) further information on the proposed cancellation; 2) to assure access to the meeting room for the handicapped; or 3) to obtain an interpreter for the hearing impaired.

According to SDCL 1-26-18.3, parties to a contested case may use the Office of Hearing Examiners to conduct a hearing if either a property right is being terminated or the dollar amount in controversy exceeds \$2,500.00. If you choose to use the Office of Hearing Examiners rather than the hearing procedure described above, then you need to notify the acting Chief Engineer (Water Rights Program, 523 E. Capitol Avenue, Pierre SD) by February 17, 2026.



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**RECOMMENDATION OF ACTING CHIEF ENGINEER
FOR WATER PERMIT NO. 2822-2, JOHNSON LAND & CATTLE LLC**

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. 2822-2.

After reviewing the 2025 Irrigation Questionnaire submitted for Water Permit No. 2822-2, reporting that the system had not been constructed, Water Rights Program staff contacted Mr. Johnson who confirmed that two separate test holes had been drilled but neither encountered sufficient water to support irrigation, therefore he agreed to cancellation of the permit.

The acting Chief Engineer is recommending cancellation of the above water permit due to non-construction, or abandonment, or both.

Amanda Dewell, Permitting Administrator, Water Rights Program
for Adam Mathiowetz, PE, Acting Chief Engineer
February 6, 2026

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



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February 6, 2026

NOTICE OF CANCELLATION

TO: Putnam Family Farm LTD, c/o Everett Putnam
20616 Chesley Rd, Pierre, SD 57501

FROM: Amanda Dewell, Permitting Administrator, Water Rights Program
for Adam Mathiowetz, PE, Acting Chief Engineer

SUBJECT: Cancellation of Water Right No. 1585-3

Water Right No. 1585-3, held by Putnam Family Farm LTD, authorizes the diversion of 0.40 cubic feet of water per second from Medicine Creek for the irrigation of 28 acres located in the N 1/2 NE 1/4 of Section 25, T111N, R77W, Hughes County. After receiving the 2025 Irrigation Questionnaire, Water Rights Program staff reached out to you to discuss your report that use of the irrigation system had been abandoned. You requested that Water Right No. 1585-3 be cancelled since you have not used the irrigation system since 2001.

The Water Management Board will consider cancellation of Water Right No. 1585-3 at **9:30 am, Wednesday, March 4, 2026 (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD (*the agenda time is an estimate, and the actual time of hearing may be later*).

The recommendation of the acting Chief Engineer is not final or binding upon the Board. The Board is authorized to 1) cancel, 2) cancel portions of, 3) delay action on, or 4) take no action on Water Right No. 1585-3 based upon facts presented at the public hearing. Our records show you to be the owner of property covered by this water right. If you wish to oppose the cancellation and if you intend to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, you must file a written petition with the acting Chief Engineer by February 17th, 2026. 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.

February 6, 2026
Water Right No. 1585-3
Page 2

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

The time of the hearing will be automatically extended for at least twenty days upon your written request to the acting Chief Engineer after a petition has been filed to oppose the cancellation. If an extension is requested, the hearing on the cancellation will be continued until the next regular Board Meeting. Any request for extension must be filed with the acting Chief Engineer by February 17, 2026.

Prior to February 17, 2026, contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) if assistance is needed with the following: 1) further information on the proposed cancellation; 2) to assure access to the meeting room for the handicapped; or 3) to obtain an interpreter for the hearing impaired.

According to SDCL 1-26-18.3, parties to a contested case may use the Office of Hearing Examiners to conduct a hearing if either a property right is being terminated or the dollar amount in controversy exceeds \$2,500.00. If you choose to use the Office of Hearing Examiners rather than the hearing procedure described above, then you need to notify the acting Chief Engineer (Water Rights Program, 523 E. Capitol Avenue, Pierre SD) by February 17, 2026.



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**RECOMMENDATION OF ACTING CHIEF ENGINEER
FOR WATER RIGHT NO. 1585-3, PUTNAM FAMILY FARM LTD**

Pursuant to SDCL 46-2A-2 and 46-5-37.1, the following is the recommendation of the acting Chief Engineer, Water Rights Program, Department of Agriculture and Natural Resources concerning Water Right No. 1585-3.

After receiving the 2025 Irrigation Questionnaire, which reported that irrigation practices had been abandoned, Water Rights Program staff contacted Mr. Putnam, who confirmed that irrigation had not taken place on the property since 2001 and was agreeable to cancellation of Water Right No. 1585-3.

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

Amanda Dewell, Permitting Administrator, Water Rights Program
for Adam Mathiowetz, PE, Acting Chief Engineer
February 6, 2026

Note: Cancellation of Water Right No. 1585-3 does not prohibit a new application for this project in the future.



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February 6, 2026

NOTICE OF CANCELLATION

TO: Oakland Homes, c/o Justin Oakland, 312 E Holly Blvd #2, Brandon SD 57005

FROM: Amanda Dewell, Permitting Administrator, Water Rights Program
For Adam Mathiowetz, PE, Acting Chief Engineer 

SUBJECT: Cancellation of Water Right No. 4842-3

Water Right No. 4842-3, held by Brandon Materials Co., authorized the diversion of 1.11 cubic feet of water per second from groundwater (a dugout) for industrial use in a sand and gravel washing operation. During a recent conversation with staff, you confirmed that Oakland Homes had purchased the property and other than the occasional watering of small lawns and gardens, withdrawals from the dugout were no longer taking place. The acting Chief Engineer of the Water Rights Program is recommending cancellation of Water Right No. 4842-3, due to abandonment, or forfeiture, or both.

The Water Management Board will consider cancellation of Water Right No. 4842-3 at **9:30 am, Wednesday, March 4, 2026 (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD (*the agenda time is an estimate, and the actual time of hearing may be later*).

The recommendation of the acting Chief Engineer is not final or binding upon the Board. The Board is authorized to 1) cancel, 2) cancel portions of, 3) delay action on, or 4) take no action on Water Right No. 4842-3 based upon facts presented at the public hearing. Our records show you to be the owner of property covered by this water right. If you wish to oppose the cancellation and if you intend to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, you must file a written petition with the acting Chief Engineer by February 17, 2026. The petition may be informal, but it must include a statement describing the reasons for your opposition to the cancellation, and your signature and mailing address or your legal counsel if legal counsel is obtained.

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

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

The time of the hearing will be automatically extended for at least twenty days upon your written request to the acting Chief Engineer after a petition has been filed to oppose the cancellation. If an extension is requested, the hearing on the cancellation will be continued until the next regular Board Meeting. Any request for extension must be filed with the acting Chief Engineer by February 17, 2026.

Prior to February 17, 2026, contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) if assistance is needed with the following: 1) further information on the proposed cancellation; 2) to assure access to the meeting room for the handicapped; or 3) to obtain an interpreter for the hearing impaired.

According to SDCL 1-26-18.3, parties to a contested case may use the Office of Hearing Examiners to conduct a hearing if either a property right is being terminated or the dollar amount in controversy exceeds \$2,500.00. If you choose to use the Office of Hearing Examiners rather than the hearing procedure described above, then you need to notify the acting Chief Engineer (Water Rights Program, 523 E. Capitol Avenue, Pierre SD) by February 17, 2026.



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**RECOMMENDATION OF ACTING CHIEF ENGINEER
FOR WATER RIGHT NO. 4842-3, BRANDON MATERIALS CO.**

Pursuant to SDCL 46-2A-2 and 46-5-37.1, the following is the recommendation of the acting Chief Engineer, Water Rights Program, Department of Agriculture and Natural Resources concerning Water Right No. 4842-3.

During an investigation of water use, made by Program staff, it was discovered that Brandon Materials Co., was no longer operating at the site authorized under Water Right No. 4842-3. The property had been purchased by Oakland Homes and converted into a housing development. Appropriations are no longer being made from the dugout, outside of basic lawn watering as authorized by "reasonable domestic use".

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

Amanda Dewell, Permitting Administrator, Water Rights Program
For Adam Mathiowetz, PE, Acting Chief Engineer
February 6, 2026

Note:

Cancellation of Water Right No. 4842-3 does not prohibit a new application for this or other projects in the future.



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February 6, 2026

NOTICE OF CANCELLATION

TO: Oscar Inc., c/o Floyd Peterson, 209 27th St NW, Huron SD 57350

FROM: Amanda Dewell, Permitting Administrator, Water Rights Program
For Adam Mathiowetz, PE, Acting Chief Engineer

SUBJECT: Cancellation of Water Permit No. 8352-3

Water Permit No. 8352-3, held by Oscar Inc., authorized the diversion of 6.68 cubic feet of water per second from the James River for irrigation of 480 acres, located in portions of Section 5-T115N-R62W, Spink County, South Dakota. A recent on-site inspection conducted by Program staff for licensing purposes, found that the system had not been developed. Water Permit No. 8352-3 was approved on July 12, 2018, with all construction to be completed on or before July 12, 2023. The acting Chief Engineer of the Water Rights Program is recommending cancellation of Water Permit No. 8352-3, due to non-construction.

The Water Management Board will consider cancellation of Water Permit No. 8352-3 at **9:30 am, Wednesday, March 4, 2026 (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD (*the agenda time is an estimate, and the actual time of hearing may be later*).

The recommendation of the acting Chief Engineer is not final or binding upon the Board. The Board is authorized to 1) cancel, 2) cancel portions of, 3) delay action on, or 4) take no action on Water Permit No. 8352-3 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 February 17, 2026. The petition may be informal, but it must include a statement describing the reasons for your opposition to the cancellation, and your signature and mailing address or your legal counsel if legal counsel is obtained.

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

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

The time of the hearing will be automatically extended for at least twenty days upon your written request to the acting Chief Engineer after a petition has been filed to oppose the cancellation. If an extension is requested, the hearing on the cancellation will be continued until the next regular Board Meeting. Any request for extension must be filed with the acting Chief Engineer by February 17, 2026.

Prior to February 17, 2026, contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) if assistance is needed with the following: 1) further information on the proposed cancellation; 2) to assure access to the meeting room for the handicapped; or 3) to obtain an interpreter for the hearing impaired.

According to SDCL 1-26-18.3, parties to a contested case may use the Office of Hearing Examiners to conduct a hearing if either a property right is being terminated or the dollar amount in controversy exceeds \$2,500.00. If you choose to use the Office of Hearing Examiners rather than the hearing procedure described above, then you need to notify the acting Chief Engineer (Water Rights Program, 523 E. Capitol Avenue, Pierre SD) by February 17, 2026.



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**RECOMMENDATION OF ACTING CHIEF ENGINEER
FOR WATER PERMIT NO. 8352-3, OSCAR INC.**

Pursuant to SDCL 46-2A-2 and 46-5-37.1, the following is the recommendation of the acting Chief Engineer, Water Rights Program, Department of Agriculture and Natural Resources concerning Water Permit No. 8352-3.

Program staff conducted an on-site inspection of the property authorized for irrigation under Permit No. 8352-3, for the purpose of licensing the system. Staff reported finding no evidence of irrigation or works being developed at the site.

The acting Chief Engineer is recommending cancellation of the above water permit due to non-construction.

Amanda Dewell, Permitting Administrator, Water Rights Program
For Adam Mathiowetz, PE, Acting Chief Engineer
February 6, 2026

Note:

Cancellation of Water Permit No. 8352-3 does not prohibit a new application for this project in the future.

REPORT ON IRRIGATION QUESTIONNAIRE VIOLATIONS

March 4, 2026

On October 8, 2025, 4,005 irrigation questionnaires were mailed by first class mail to 2,001 irrigators for reporting water use for the 2025 irrigation season. The permit holders were given until December 1, 2025, to return the forms. The cover letter included the three options for how questionnaires could be completed and returned.

Example:

3 easy options to return your irrigation questionnaire(s)	1. Online (preferred method)	2. Mail	3. Fax
	https://danr.sd.gov/iq -- your password is AAAJI You can opt to be notified by email of successful online submission of your form(s).	Use the enclosed postage paid return envelope	Fax the completed form(s) to 605 773-5286
For assistance contact Amanda Dewell at 605 773-3352 or email: amanda.dewell@state.sd.us			

On January 20, 2026, notices were mailed by first class mail to those irrigators who had not returned their irrigation questionnaires. Additional questionnaire forms were included with the mailing.

The January 20, 2026, notice advised permit holders that the Water Management Board may take one or more of the following actions regarding their permit(s), pursuant to SDCL 46-1-12 and SDCL 46-1-14:

- The permit(s) could be suspended for: a period of up to one year (first violation) or a period of up to three years (second violation – includes one previous suspension).
- The permit(s) could be cancelled (third violation – includes two previous suspensions).
- The permit(s) could be amended to include the mandatory irrigation questionnaire qualification.
- The Board could postpone any action or take no action.

The Water Rights Program recommends the Board take the following actions for those permits with irrigation questionnaires not received by March 4, 2026:

- Suspend the permits/rights (listed on attachment) effective April 6, 2026, unless the questionnaires are returned by April 6, 2026 (5:00 P.M. Central Time):
 - First Violation – one year suspension
 - Second Violation – three-year suspension
- Amend the permits/rights (listed on attachment) to include the following qualification, effective immediately:

“This permit is approved subject to the Irrigation Water Use Questionnaire being submitted each year.”

Following the hearing, all permit holders will be sent a notice via certified mail informing them of the Board’s action.

Amanda Dewell, Permitting Administrator
SD DANR – Water Rights Program

2025 IRRIGATION QUESTIONNAIRE VIOLATIONS

Number RT/PE	Owner	Renter/Operator	County	Actively Irrigates	Source	Violation
RT 730A-2	Jim & Denise Baker 15003 SD Hwy 40, Hermosa SD 57744		CU	Yes	Cheyenne River	1
RT 1031-3	Dale & Mary Helen Bisson PO Box 844, Ft Pierre SD 57532		HU	Yes	Missouri River	1
RT 1036-3	Dale & Mary Helen Bisson PO Box 844, Ft Pierre SD 57532		HU	Yes	Missouri River	1
RT 6451-3	Bluffs Townhomes Assoc 2806 Ridgeview Way, Sioux Falls SD 57105		MA	No – backup	Sioux Quartzite Aq	A
RT 5411-3	Central Valley Golf Club, c/o Rob Dreesen 700 E Hwy 38, Hartford SD 57033		MA	Yes	Wall Lake Aq	1
RT 2547-3	Jeff Devries 40545 213 th St, Cavour SD 57324		BD	Yes	Floyd: East James Aq	2 (1 st - 2018)
RT 2548-3	Jeff Devries 40545 213 th St, Cavour SD 57324		BD	Yes	Floyd: East James Aq	2 (1 st - 2018)
RT 3085-3	Jeff Devries 40545 213 th St, Cavour SD 57324		BD	Yes	Floyd: East James Aq	2 (1 st - 2018)
RT 6381-3	Jeff Devries 40545 213 th St, Cavour SD 57324		BD	No – last irrigated in 2007	Floyd: East James Aq	2 (1 st - 2018)
RT 6440-3	Jeff Devries 40545 213 th St, Cavour SD 57324		BD	No – last irrigated in 2007	Floyd: East James Aq	2 (1 st - 2018)
RT 881-2	Ryan Edwards 25331 Yellow Eagle Rd, White River SD 57579		MT	Yes	White River	2 (1 st - 2021)
RT 1169-1	G W Evridge 20151 Saddle Ct, Whitewood SD 57793		PK	No – last irrigated in 2013	North Fork Grand River	1
PE 7355-3	Lee Friesen 42553 US Hwy 18, Olivet SD 57052		HT	Yes	Lower James Missouri Aq	1
PE 7377-3	Lee Friesen 42553 US Hwy 18, Olivet SD 57052		HT	No – not yet constructed	Lower James Missouri Aq	1
PE 7478-3	Lee Friesen 42553 US Hwy 18, Olivet SD 57052		HT	Yes	Lower James Missouri Aq	1
RT 3564-3	Donald Goetz PO Box 43, Akaska SD 57420		WL	No – last irrigated in 1988	Missouri River	A
RT 4309B-3	Ronald Gorder PO Box 185, Estelline SD 57234		DU	Yes	Big Sioux: Brookings Aq	1
PE 8839-3	Greenwood Hutt. Breth. Inc. 28781 402 nd Ave, Delmont SD 57330		CM DG	No – approved in June 2024	Dam/Runoff	1
RT 1091-3	Walter Heien, c/o Wilma Heien PO Box 145, Blunt SD 57522		HU	No – last irrigated in 1989	Highmore-Blunt Aq	1

VIOLATIONS

1 = First violation (one year suspension)

2 = Second violation (three year suspension)

A = Amendment to add Mandatory IQ Qualification

2025 IRRIGATION QUESTIONNAIRE VIOLATIONS

Number RT/PE	Owner	Renter/Operator	County	Actively Irrigates	Source	Violation
RT 5343-3	Melvin Hitzemann 528 N Kelly St, Apt 101, Shell Rock IA 50670		UN	Yes	Big Sioux: South Aq	1
RT 5425-3	Johnke Land Trust, c/o Cheri Johnke 46418 295 th St, Centerville SD 57014		TU	Yes	Upper Vermillion Missouri: South Aq	1
RT 410B-2	Kathi Koester & Matthew Hespen PO Box 206, Custer SD 57730		HK	No – chronically suspended	Cheyenne River	3 (2 nd - 2021)
RT 213-3	Ted & Bev Lacey 24064 478 th Ave, Trent SD 57065		MY	Yes	Big Sioux: Moody Aq & Big Sioux River	1
RT 1500-3	Ted & Bev Lacey 24064 478 th Ave, Trent SD 57065		MY	Yes	Big Sioux River	A
RT 1270-2	Larson White River Ranch LLC, c/o Darrell Larson 25649 326 th Ave, Hamill SD 57534		LY	No – last irrigated in 1998	Quaternary Alluvium Aq	1
RT 1564-2	Larson White River Ranch LLC, c/o Darrell Larson 25649 326 th Ave, Hamill SD 57534		TR	Yes	Dry Draw Dam	1
RT 3012-3	Mark & Melvin Morlock 33820 112 th St, Eureka SD 57437		MP	Yes	Spring Creek: McPherson Aq	1
RT 7323B-3	Mark & Heidi Morlock 33820 112 th St, Eureka SD 57437		MP	Yes	Spring Creek: McPherson Aq	1
PE 8430-3	Laverne Neuharth 33567 109 th St, Eureka SD 57437	Mark Morlock 33820 112 th St, Eureka SD 57437	MP	Yes	Spring Creek: McPherson Aq	1
RT 3484-3	Charlotte Nichols, c/o Phillip Nichols 7497 Rolling Meadow Dr, West Chester OH 45069		BG	Yes	Big Sioux: Unnamed Creek Aq	1
RT 3386-3	Reuben Nicolai (Estate) 4535 Morman Coulee Rd, Lacrosse WI 54601		BG	Yes	Big Sioux: Aurora Aq	A
RT 4295-3A	Reuben Nicolai (Estate) 4535 Morman Coulee Rd, Lacrosse WI 54601		BG	Yes	Big Sioux: Aurora Aq	1
RT 842-1	Robert Phelps Jr 16220 Spring Valley Rd, Piedmont SD 57769		MD	Yes	Minnelusa Aq, Adolph Draw, Mary's Draw	1
RT 6553-3	Prairie Hills Covenant Church 6000 E 33 rd St, Sioux Falls SD 57110		MA	No – no history of IQ reports	Sioux Quartzite Aq	A
RT 1267-2	Richard Bollmann 2425 S Taylor Dr, Sheboygan WI 53081	Jacob Rausch 16080 Low Spring Creek Rd, Hermosa SD 57744	PE	No – last irrigated in 2017	Rapid Creek	A
RT 5566-3	Wayne Reieron 30048 Reieron Pl, Pollock SD 57648		CA	Yes	Grand Aq	1
RT 7615-3	Wayne Reieron 30048 Reieron Pl, Pollock SD 57648		CA	Yes	Grand Aq	1

VIOLATIONS

1 = First violation (one year suspension)

2 = Second violation (three year suspension)

A = Amendment to add Mandatory IQ Qualification

2025 IRRIGATION QUESTIONNAIRE VIOLATIONS

Number RT/PE	Owner	Renter/Operator	County	Actively Irrigates	Source	Violation
PE 8842-3	Greg & Evette Rihanek 814 E State St, Plankinton SD 57368		AU	No – approved in July 2024	Dakota Aq	1
PE 8014-3	Kevin Schaeffer 28711 SW River Rd, Olivet SD 57052		HT	Yes	Lower James Missouri Aq	1
RT 5467A-3	SDSU, Plant Science Program Box 2207A, Brookings SD 57007		BG	No – last irrigated in 2015	Big Sioux: Aurora Aq	1
RT 6073-3	Six Mile Creek Golf Course, c/o Chad Schulte 20307 483 rd Ave, White SD 57276		BG	Yes	Six Mile Creek	2 (1 st - 2003)
RT 6441-3	Six Mile Creek Golf Course, c/o Chad Schulte 20307 483 rd Ave, White SD 57276		BG	Yes	Big Sioux: Six Mile Creek Aq	1
RT 3004A-3	Louann Soukup 40229 County Rd 2, Wagner SD 57380		CM	No – no history of irrigation	Choteau Creek	A
RT 484B-1	Dale Sprague 16221 Twilight Rd, Mud Butte SD 57758		BU	Yes	Horse Creek	1
RT 224-3	Kory Standy PO Box 114, Platte SD 57369		CM	Yes	Missouri River	A
RT 1560-3	Kory Standy PO Box 114, Platte SD 57369		CM	Yes	Missouri River	A
RT 2546A-3	Kory Standy PO Box 114, Platte SD 57369		CM	Yes	Missouri River	A
RT 720-2	Mary Louise Stanley, c/o Clint Stanley 26369 US Hwy 83, White River SD 57579		MT	No – last irrigated in 2011	Little White River	1
RT 5390-3	Stanley Steinheuser 38542 180 th St, Tulare SD 57476		SP	Yes	Tulare: Western Spink Hitchcock Aq	1
RT 6184-3	Stanley Steinheuser 38542 180 th St, Tulare SD 57476		SP	Yes	Tulare: Western Spink Hitchcock Aq	1
RT 6288-3	Stanley Steinheuser 38542 180 th St, Tulare SD 57476		SP	Yes	Tulare: Western Spink Hitchcock Aq	1
PE 8852-3	Swan Creek Land Co Inc, c/o Daryl Thompson PO Box 435, Akaska SD 57420		WL	No – approved in June 2024	Swan Creek	1
RT 4324-3A	Rick & Ronald Symens 42796 193 rd St, Willow Lake SD 57278		CK	Yes	Vermillion East Fork: Spirit Lake Aq	1
RT 7942-3	Terrill Farms Inc, c/o Tony Terrill 42099 176 th St, Clark SD 57225		CK	Yes	Prairie Coteau Aq	1
RT 798A-2	The Nature Conservancy, c/o Rachel Hampton 1101W River Pkwy, #200, Minneapolis MN 55415		CU	No – no history of IQ reports	Dry Creek & Tributaries	A

VIOLATIONS

1 = First violation (one year suspension)

2 = Second violation (three year suspension)

A = Amendment to add Mandatory IQ Qualification

2025 IRRIGATION QUESTIONNAIRE VIOLATIONS

Number RT/PE	Owner	Renter/Operator	County	Actively Irrigates	Source	Violation
PE 2001-1	Tilton Ranch Inc, c/o Janet Burback 2199 Skinner Rd, Belgrade MT 59714		CN	No – not yet constructed	Grand River	1
RT 3871A-3	Dan & David Trudeau 33297 478 th Ave, Jefferson SD 57038		UN	Yes	Missouri: Elk Point Aq	1
PE 6453-3	Dan & David Trudeau 33297 478 th Ave, Jefferson SD 57038		UN	Yes	Missouri: Elk Point Aq	1
RT 6200-3	Oscar Inc, c/o Floyd Peterson 209 27 th St NW, Huron SD 57350	Twisted Land & Cattle, c/o Brad Peterson 19030 391 st Ave, Hitchcock SD 57348	SP	Yes	Tulare: Western Spink Hitchcock Aq	1
RT 2282-3	Jon & Bryan Uecker PO Box 573, Wagner SD 57380		CM	Yes	Choteau: West Aq	1
RT 7421-3	Valley View Farms Inc, c/o Nathan Reichling 17716 458 th Ave, Watertown SD 57201		CD	Yes	Big Sioux: North Aq	1
RT 4332-3	Kash & Trish Van Dyke 48549 219 th St, Elkton SD 57026		BG	Yes	Big Sioux: Aurora Aq	1
RT 5558A-3	Kash & Trish Van Dyke 48549 219 th St, Elkton SD 57026		MY	Yes	Big Sioux: Aurora Aq	1
RT 3582A-3	Doug & Darla Van Gerpen 40930 305 th St, Avon SD 57315		BH	No – last irrigated in 2002	Choteau: Tyndall Aq	1
RT 7971-3	Barry Van Osdel 44732 SD Hwy 50, Mission Hill SD 57046		YA	Yes	Missouri: Elk Point Aq	1
RT 8765-3	Barry Van Osdel 44732 SD Hwy 50, Mission Hill SD 57046		YA	Yes	Lower James Missouri Aq	1
RT 387-3	Richard Vasgaard 28746 462 nd Ave, Centerville SD 57014		TU	Yes	Parker Centerville Aq	A
RT 1388-3	John Vasgaard, c/o Richard Vasgaard 28746 462 nd Ave, Centerville SD 57014		TU	Yes	Parker Centerville Aq	A
RT 2981-3	John Vasgaard, c/o Richard Vasgaard 28746 462 nd Ave, Centerville SD 57014		TU	Yes	Parker Centerville Aq	A
RT 7976-3	Vasgaard Properties, c/o Richard Vasgaard 28746 462 nd Ave, Centerville SD 57014		LN	Yes	Upper Vermillion Missouri: South Aq	1
PE 2887-2	Vintage Square Estates, c/o Brett Warkenthien PO Box 594, Ft Pierre SD 57532		ST	No – approved in June 2025	Quaternary Alluvium Aq	1
PE 2783-2	Vernon & Marlys Walkling 29832 267 th Ave, Crookston NE 69212		TD	Yes	Ogallala Aq	1
RT 1285-3	Cody Warne 3520 Lambeth Pl, Pierre SD 57501		SU	Yes	Cow Creek Aq	A
RT 5227-3	Cody Warne 3520 Lambeth Pl, Pierre SD 57501		SU	Yes	Cow Creek Aq	1

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2025 IRRIGATION QUESTIONNAIRE VIOLATIONS

Number RT/PE	Owner	Renter/Operator	County	Actively Irrigates	Source	Violation
PE 6936-3	Jack Wellnitz 20195 415 th Ave, Yale SD 57386		BD	Yes	Floyd: East James Aq	1
PE 7400-3	Jack Wellnitz 20195 415 th Ave, Yale SD 57386		BD	Yes	Floyd: East James Aq	1
PE 8419-3	Jack Wellnitz 20195 415 th Ave, Yale SD 57386		BD	Yes	Floyd: East James Aq	1
RT 430-1	Leroy Wetz 14164 Wetz Rd, Vale SD 57788		MD	Yes	Belle Fourche River & Dry Creek	A
RT 6051-3	Jerry & David Wieber PO Box 238, Lidgerwood ND 58053		RB	Yes	Big Sioux: North Aq	1
RT 1012-1	Chance & Michelle Wientjes PO Box 96, Mobridge SD 57601		CN	Yes	Missouri River	1
RT 1067-1	Chance & Michelle Wientjes PO Box 96, Mobridge SD 57601		DW	Yes	Missouri River	1
PE 1937-1	Chance & Michelle Wientjes PO Box 96, Mobridge SD 57601		CN	Yes	Missouri River	1
PE 1938-1	Chance & Michelle Wientjes PO Box 96, Mobridge SD 57601		DW	Yes	Missouri River	1
RT 3955-3	Bonnie Wirt 27813 454 th Ave, Parker SD 57053	Randy Wirt 27811 455 th Ave, Parker SD 57053	TU	Yes	Parker Centerville Aq	A
RT 1269-3	Blake Wollman 733 Burr Dr, Rock Springs WY 82901		SA	No – came out of CRP in 2024	Warren: West James Aq	A
PE 8296-3	Steve Wolterstorff 308 W Laquinta Cir, Sioux Falls SD 57108		GT	No – last irrigated in 2021	Crooked Lake	1
RT 5590A-3	Mark & Julie Zastrow 180 Fern Dr, Pasadena CA 91105		ML	No – last irrigated in 2021	Middle James: Columbia Aq	1
PE 8590-3	Benjamin & Helen Zoss Family Trust 810 Park St W, #106, Park River ND 58270		SA	No – not yet constructed	Warren: West James Aq	1
PE 8340-3	Lisa Zuhlke 47750 214 th St, Aurora SD 57002		BG	No – no history of irrigation	Medary Creek	1

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WATER MANAGEMENT BOARD MEETING

March 4, 2026

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

No.	Name	Address	County	Amount	Use	Source	Qualifications
Unopposed New Water Permit Applications Issued Based on the Chief Engineer Recommendations							
FC34A-3	Upper Minnesota River Watershed District	Ortonville	RB	N/A	Flood Control	Little Minnesota River	4 special
2048-1	Whiskey Ridge, LLC.	Sturgis	MD	36.2 AF	DOM/WD S	1 well – Sundance	wi, 2 special
2897-2	Canyon Springs Sanitary District	Rapid City	PE	85 AF	WDS	2 wells – Madison	wi, 3 special
2899-2	City of Custer	Custer	CU	22.5 AF	REC/F&W P	French Creek	lf, 3 special
8584A-3	Allen Vannorsdel	Viborg	TU	No Add'l	IRR(156 acres)	1 well – Upper Vermillion Missouri: West	wi, iq
8961-3	Full Circle Dairy, LLC.	Hurley	TU	0.68 cfs	COM	2 wells – Upper Vermillion Missouri: West	wi, 4 special
8977-3	Collins Colony	Iroquois	CK	0.045 cfs	DOM/CO M	1 well – Dakota	wi, 3 special
8978-3	Collins Colony	Iroquois	CK	30.7 AF	COM	2 wells - Dakota	wi, 3 special
8979-3	Craig Vanderlei	Springfield	BH	1.78 cfs	IRR(106 acres)	1 well – Niobrara	wi, iq, 1 special
8980-3	Timothy Sorensen	Vermillion	YA	2.12 cfs	IRR(160 acres)	1 well – Missouri: Elk Point	wi, iq
8981-3	Kody Miller	Bruce	DU	1.23 cfs	IRR(265 acres)	1 well – Big Sioux: Brookings	wi, iq
8983-3	Pleasant Valley Colony	Flandreau	MY	120 AF	COM	Flandreau Creek	9 special
8984-3	D Lucks Swine, LLC.	Hayti	HM	135 AF	COM	2 wells – Prairie Coteau	wi, 4 special
8985-3	City of Sioux Falls Water Division	Sioux Falls	MA	5,041 AF	FUTURE	Big Sioux: South	4 special
8988-3	B.D.M RWS	Britton	ML	1,300 AF	RWS	5 wells – Middle James: Columbia	wi, 2 special
8989-3	Larry Donnelly	Elk Point	UN	1.78 cfs	IRR(60 acres)	1 well – Missouri: Elk Point	wi, iq, 1 special
8992-3	Derrick Skogsberg	Benbrook	UN	1.89 cfs	IRR(120 acres)	1 well – Lower Vermillion Missouri	wi, iq, 1 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 WATER PERMIT
APPLICATION NO. 2899-2, City of Custer**

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. 2899-2, City of Custer, 622 Crook Street, Custer SD 57730.

The acting Chief Engineer is recommending APPROVAL of Water Permit Application No. 2899-2 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. Water Right No. 298-2, Water Permit No. 2878-2, and this Permit, combined, authorize an impoundment with a storage capacity of 100 acre feet of water and sufficient water annually to maintain the water level to the outlet elevation of 5,348.0 feet mean sea level (NAVD 88).
2. Low flows as needed for downstream domestic use, including livestock water and prior water rights must be by-passed.
3. Plan and specifications for reconstruction of Custer West Dam were reviewed and approved by the Chief Engineer on October 14, 2025. Any changes the Chief Engineer considers to be significant changes to the 2025 reconstruction plans must be submitted to the Chief Engineer for review and approval for compliance with the Safety of Dams Rules (ARSD 74:02:08).
4. The Emergency Preparedness Plan must be reviewed annually and updated, as needed, to reflect current contact information for emergency services and emergency notification contacts with the updates provided to all plan holders.

See report on application for additional information.

Mark Mayer, PE
Director of Office of Water
November 4, 2025

Report to the Chief Engineer
Water Application No. 2899-2
City of Custer
October 24, 2025

Water Permit Application No. 2899-2, filed by the City of Custer, requests to impound an additional 22.5 acre-feet of water in Custer West Dam on French Creek in the NE ¼ SE ¼ Section 27-T3S-R4E with water impounded in N ½ SE ¼ Section 27-T3S-R4E. The water will be used for recreation, fish and wildlife propagation, and public safety purposes. This is in addition to the 30 acre-feet of water authorized for impoundment by the same dam on French Creek by Water Right No. 298-2 and the 47.5 acre-feet of water authorized for impoundment by the same dam by Water Permit No. 2878-2 (along with reconstruction of the dam). Combined this application, Water Permit No. 2878-2, and Water Right No. 298-2 would impound 100 acre-feet of water by a dam on French Creek to maintain water at an outlet elevation of 5,348.0 mean sea level (NAVD 88). The dam is located in the southwest part of the City of Custer in Custer County, South Dakota.

Water Source: French Creek

South Dakota Codified Laws (SDCL) and Administrative Rule of South Dakota (ARSD)

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 there is unappropriated water available for the applicant's proposed use, the proposed diversion can be developed without unlawful impairment of existing domestic water uses and water rights, and 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 address availability of unappropriated water and potential for unlawful impairment to existing rights that are pertinent to this application.

ARSD Chapter 74:02:08 Safety of Dams

ARSD Chapter 74:02:08 provides the minimum design standards for dams that are 25 feet or more in height from the natural bed of the stream or watercourse measured at the downstream toe of the barrier or from the lowest elevation of the outside limit of the barrier or has an impounding capacity at maximum water storage elevation of 50 acre-feet or more. A barrier is not considered a dam for the purpose of this chapter if the height does not exceed 6 feet regardless of storage capacity or if the storage capacity at maximum water storage elevation does not exceed 15 acre-feet, regardless of height.

History

The Custer West Dam was originally constructed in 1943 and was permitted under Water Right No. 298-2 for 30 acre-feet of storage (Water Rights, 2025a). In 1981, Water Right No. 298-2 was inspected, and the earthen dam was licensed as 15 ft high with a storage of 30 acre-feet (Water Rights, 2025a). Around 2012, the outlet works for the dam became non-functional and the reservoir was drained. In 2015, the City of Custer retained Banner Engineering to conduct an assessment of the dam. During the assessment, Banner Engineering determined that the existing

dam had a normal storage (storage at the primary spillway) of approximately 60 acre-feet (the date of the storage increase is unknown). In 2016, plans for the dam's reconstruction and a water permit for the additional storage to Water Right No. 298-2 were submitted to the Water Rights Program and approved (Water Permit No. 2751-2). The plans for dam reconstruction also included dredging a portion of the reservoir area for improved fish habitat for a normal storage at the outlet elevation of 77.5 acre-feet. The dam was not reconstructed by the construction deadline (July 6, 2021) for Water Permit No. 2751-2, so Water Permit No. 2878-2 was obtained to reinstate Water Permit No. 2751-2. As the dredging work was completed in the reservoir area the amount of sediment removed was greater than initially planned which resulted in space for an additional 22.5 acre-feet of water storage, which is the amount this application is requesting.

Review of the Water Source

French Creek is located in the southern Black Hills and listed as a perennial stream in the National Hydrography Dataset immediately upstream of the dam (USGS, 2016). French Creek is a tributary of the Cheyenne River with the confluence located near the Custer County-Oglala Lakota County line. The dam for this application is located in the N $\frac{1}{2}$ SE $\frac{1}{4}$ Section 27-T3S-R4E on French Creek on the west side of Custer, SD. Upstream of this location, French Creek is formed by the confluence of the North and South Forks of French Creek with the other larger contributing tributary upstream of the dam being Ruby Creek (USGS, 2020). The headwaters of the North Fork French Creek (the longer of the two forks) is in the area south of Bear Mountain in southern Pennington County and the headwaters of the South Fork French Creek is the Round Mountain area in Custer County (USGS, 2016). The headwaters of both the North and South Forks of French Creek are along the edge of the Limestone Plateau area of the Black Hills (Martin et al., 2004).

The contributing drainage area for the dam was delineated using the United States Geological Survey (USGS) Streamstats Application, shown in Figure 1 (Ries, et al., 2024). The contributing drainage area for the dam is approximately 36.4 square miles (23,296 acres). The drainage area of French Creek upstream of the dam is in an area of the Black Hill where it is common for spring flow to contribute to the baseflow of creeks based on the underlying geology.

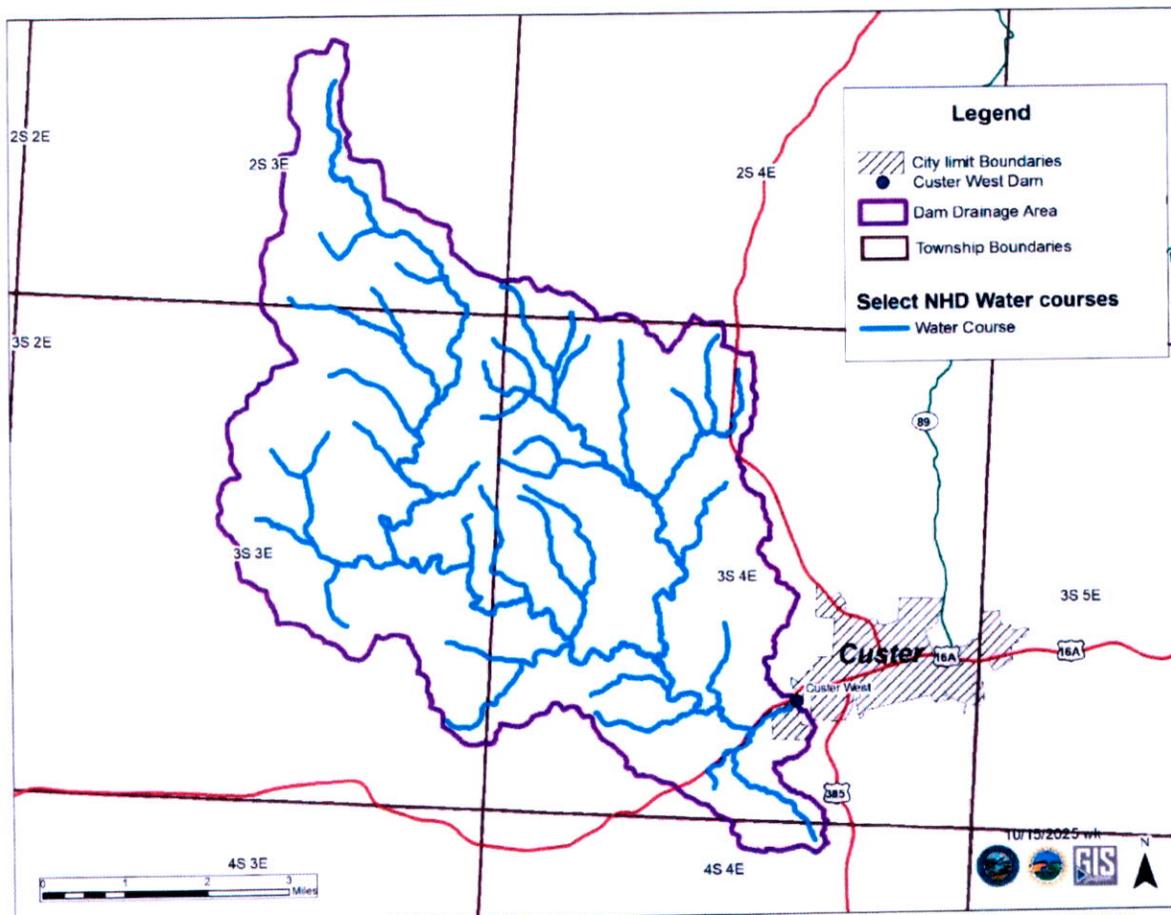


Figure 1: Contributing drainage area for the Custer West Dam (Ries, et al., 2024 and USGS, 2016)

Water Availability

Stream Gage Data

The nearest stream gage to Custer West Dam with some amount of daily data is the USGS surface water site No. 06402995 French Creek above Stockade Lake near Custer, SD. This gage was operated from October 1, 1990, to September 30, 1997 (USGS, 2025). The gage is located approximately six stream miles downstream of the Custer West Dam with a contributing drainage area of 68.4 square miles (43,776 acres) (USGS, 2025). The approximate drainage area for the gage is shown in Figure 2 with the portion of the drainage area that is for Custer West Dam indicated. The drainage area for the Custer West Dam is about half of the drainage area above the gage. Based on the available information, the Custer West Dam was in operation and impounding water during the monitoring period for the gage. So, the gage data during the period of record reflects flows after water has already been retained by the dam. While the period of record on this gage is limited, the data is currently the best available information for this area and can provide some basic information on water availability.

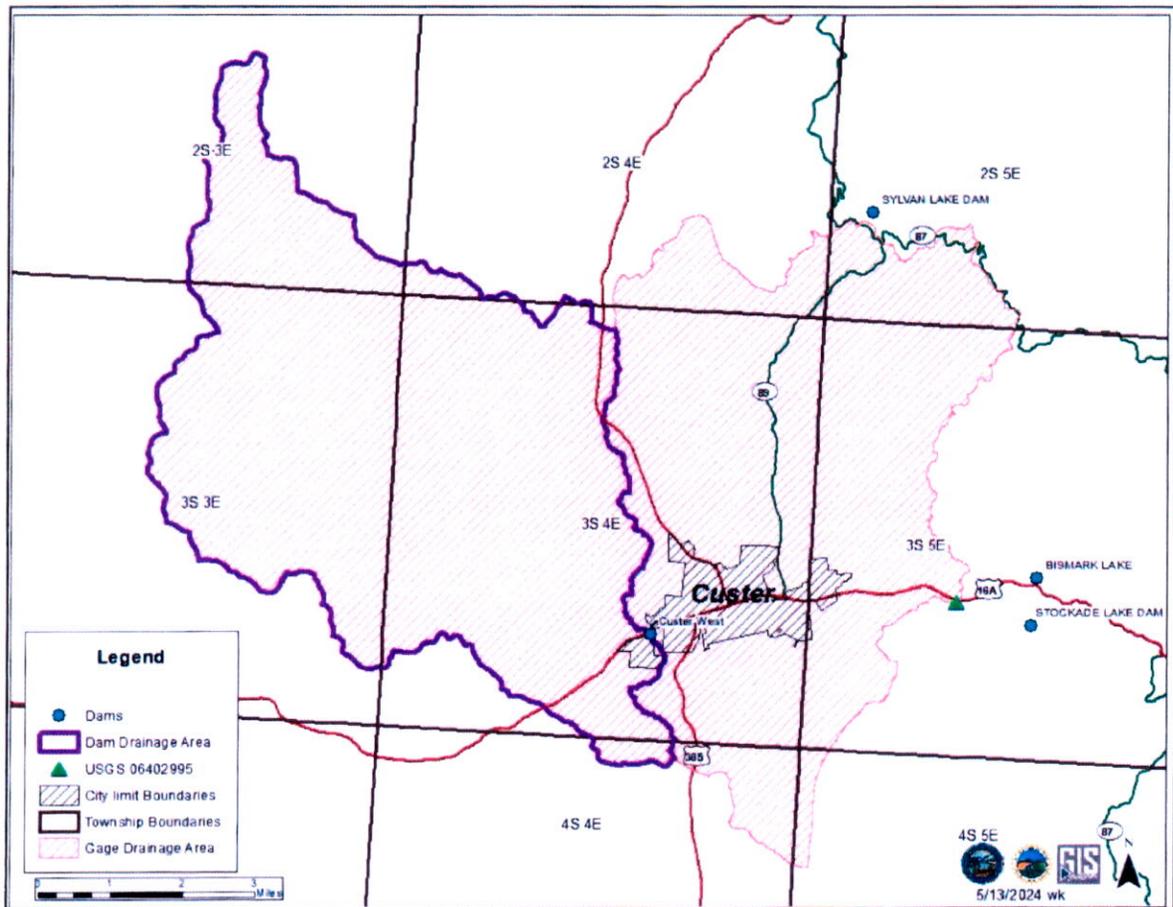


Figure 2: Contributing drainage area for USGS Gage No. 06402995 French Creek above Stockade Lake near Custer, SD (Ries, et al., 2024 and USGS, 2025)

The daily percentile flow hydrographs for this gage at the 20th, 25th, and 50th percentiles are shown in Figure 3 by calendar year (USGS, 2025). Typically, for stream gage analysis the Water Rights Program looks at the 10th percentile data rather than the 20th percentile data. However, 10th percentile data was not available for this gage so the smallest percentile data available (20th) was presented instead. The 50th percentile shows the flow rate which is met or exceeded 1 out of every 2 years. The 25th percentile shows the flow rate which is met or exceeded 3 out of every 4 years. The 20th percentile shows the flow rate which is met or exceeded 8 out of every 10 years. Estimated annual volumes from the percentile data is 1,368 acre-feet per year at the 20th percentile, 1,820 acre-feet per year at the 25th percentile, and 5,163 acre-feet per year at the 50th percentile. These estimated annual volumes were calculated by averaging the daily discharge for each percentile and converting to acre-feet per year. So, based on the gage period of record, on average, 8 out of 10 years an annual volume of run off above the gage location of at least 1,368 acre-feet per year is estimated.

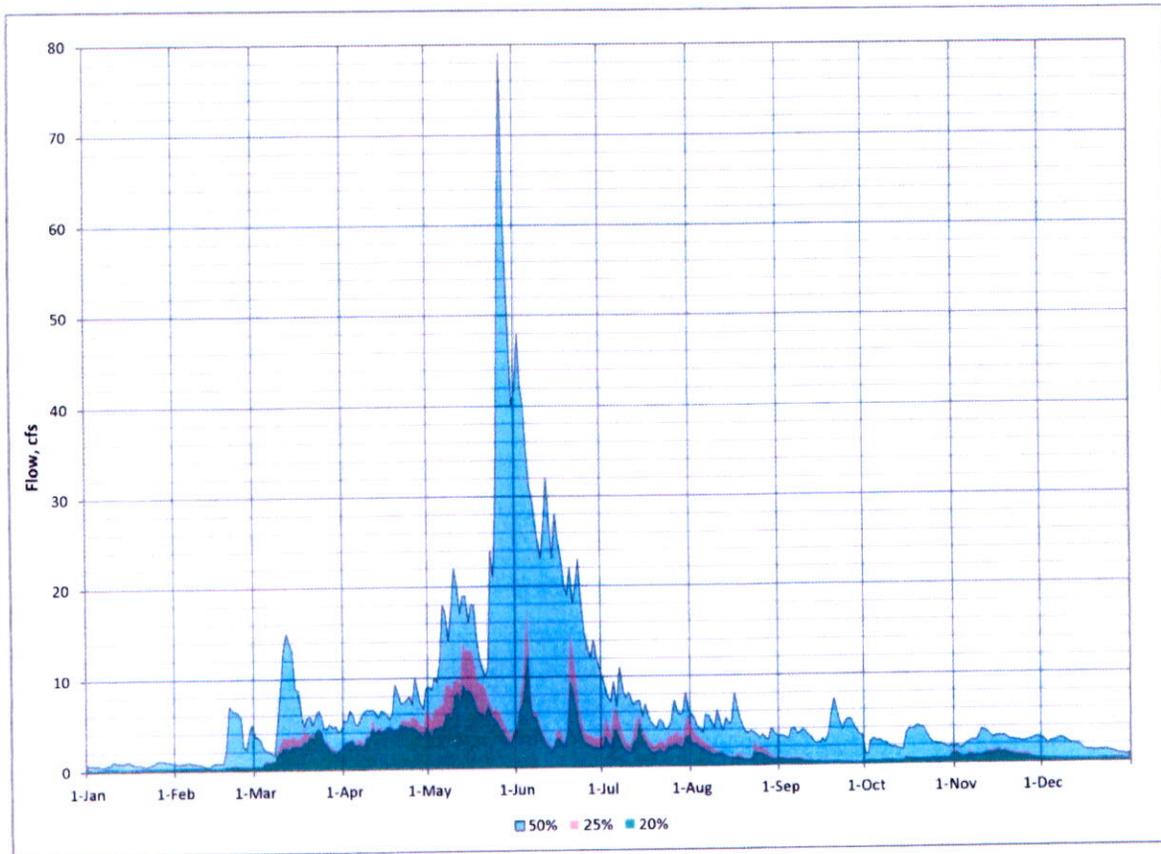


Figure 3: Daily percentile flow hydrographs for the USGS gage French Creek above Stockade (operated Oct 1, 1990 to Sept 30, 1997) (USGS, 2025).

The average daily discharge for the gage for water years 1991 to 1997 are shown in Table 1. Also provided in Table 1 is the corresponding annual volume for the average discharge for the water year (October 1 to September 30). The annual volume for each year was found by converting all daily mean discharge values into acre-feet (one cubic foot per second of water flowing 24 hours = 1.98346 acre-feet) and then summing for each year. The total precipitation for the 1991 to 1997 water year is provided in Table 1. For comparison, Figure 4 provides total precipitation by water year for Custer County from water year 1896 to 2023 (NOAA, 2025). The average precipitation by water year during this time period (1896 to 2023) is 17.8 inches. Two years during the gaging period (Oct 1, 1990 to Sept 30, 1997) fall below this average: 1992 and 1994 (NOAA, 20245).

Table 1: Average daily flow at gage by water year and calculated annual volume (USGS, 2025) (NOAA, 2025)

Water Year	Average Discharge (cfs)	Annual Volume (acre-feet)	Precipitation (inches)
1991	8.48	6,136	19.89
1992	5.15	7,465	17.67
1993	7.67	5,552	23.21
1994	4.87	3,519	12.61
1995	18.14	13,168	24.59
1996	10.02	7,275	20.50
1997	14.68	10,628	24.90

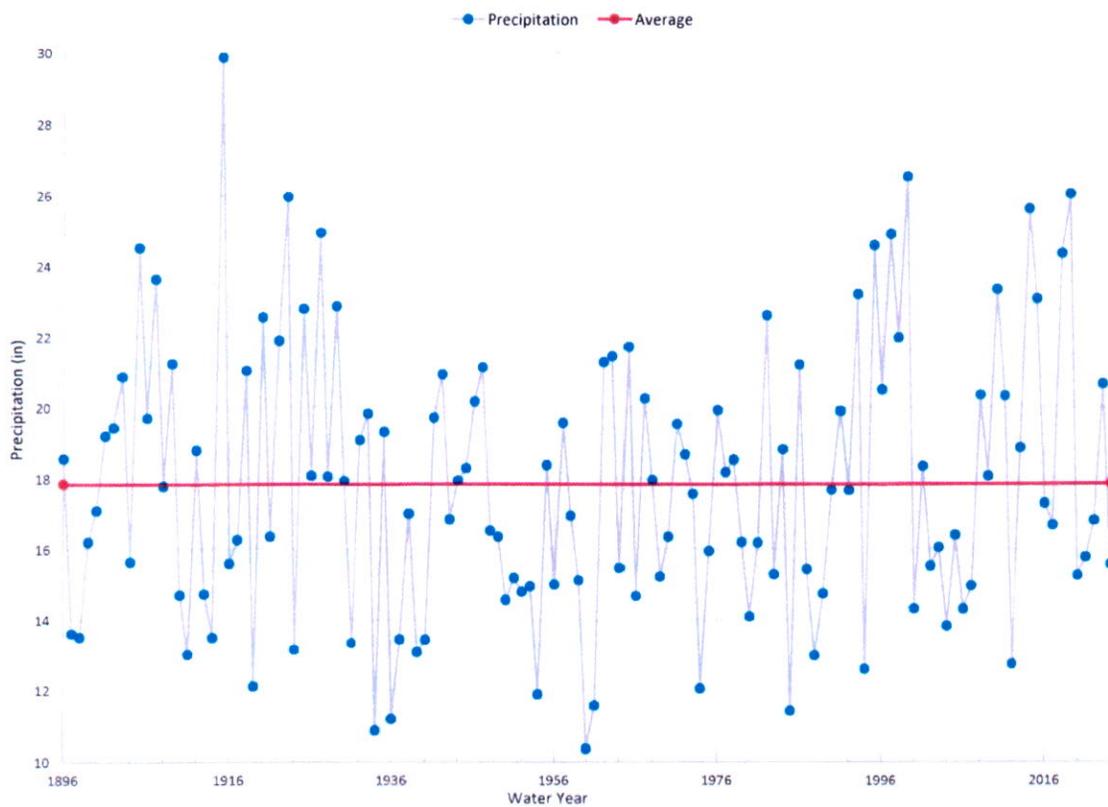


Figure 4: Total precipitation by water year for Custer County, SD from 1896 to 2024 (NOAA, 2025)

To estimate annual yield to a portion of the gaged watershed a variable called the runoff ratio (or runoff coefficient depending on the reference) for the gaged area can be used. This is based on taking the Modified Rational Method (or Bowstring Method) for estimating runoff volume from a storm event for reservoir design (NRCS, 2021) and adapting it to estimate annual yield (annual runoff volume) from a watershed. The runoff ratio is the normalized ratio of total runoff from a basin to the total precipitation within that basin. Equations 1 through 3 show the

process to determine annual yield to a portion of the gaged watershed (Weil and Kannenberg, 2023). Since data is limited at Gage No. 06402995, the year in Equations 1 and 2 are used water year to maximize the use of gaged data and Equation 3 is using calendar year.

$$\text{Unit Runoff (feet)} = \frac{\text{Annual volume from the gaged watershed (acre-feet)}}{\text{Gaged watershed area (acres)}}$$

Equation 1: Unit runoff (depth, units in feet)

$$\text{Runoff Ratio (unitless)} = \frac{\text{Unit runoff (inches)}}{\text{Total Annual Precipitation (inches)}}$$

Equation 2: Runoff ratio (unitless)

$$\text{Annual Yield} = \text{total annual precipitation (feet)} * \text{runoff ratio} * \text{ungaged watershed area (acres)}$$

Equation 3: Annual equation (volume, units in acre-feet)

Table 2 shows this calculation for the USGS gage French Creek above Stockade and the average runoff ratio for the years of gage data. The runoff ratio varies from year to year due to variables like antecedent moisture conditions or runoff origin (snowmelt vs rainfall) and can vary long term due to significant changes in the watershed (for example increased urbanization). Seven years of gage data is a relatively short period of record for estimating typical runoff in this watershed that is significantly influenced by climatological factors; however, it is the best available information. Figure 5 shows the estimated annual yield using the measured precipitation for Custer County from 1896 to 2024 (NOAA, 2025), the watershed area for the dam (43,776 acres) and the average runoff ratio from Table 2 (0.101). The average estimated annual yield is 3,497 acre-feet per year.

Table 2: Runoff Ratio Calculation from Gage and Precipitation Data (USGS, 2025)
(NOAA, 2025)

Water Year	Annual Volume (acre-feet)	Precipitation (inches)	Unit Runoff (ft)	Runoff Ratio
1991	6,136	19.89	0.140	0.085
1992	7,465	17.67	0.171	0.116
1993	5,552	23.21	0.127	0.066
1994	3,519	12.61	0.080	0.076
1995	13,168	24.59	0.301	0.147
1996	7,275	20.50	0.166	0.097
1997	10,628	24.90	0.243	0.117
Average	7,677	20	0.175	0.101

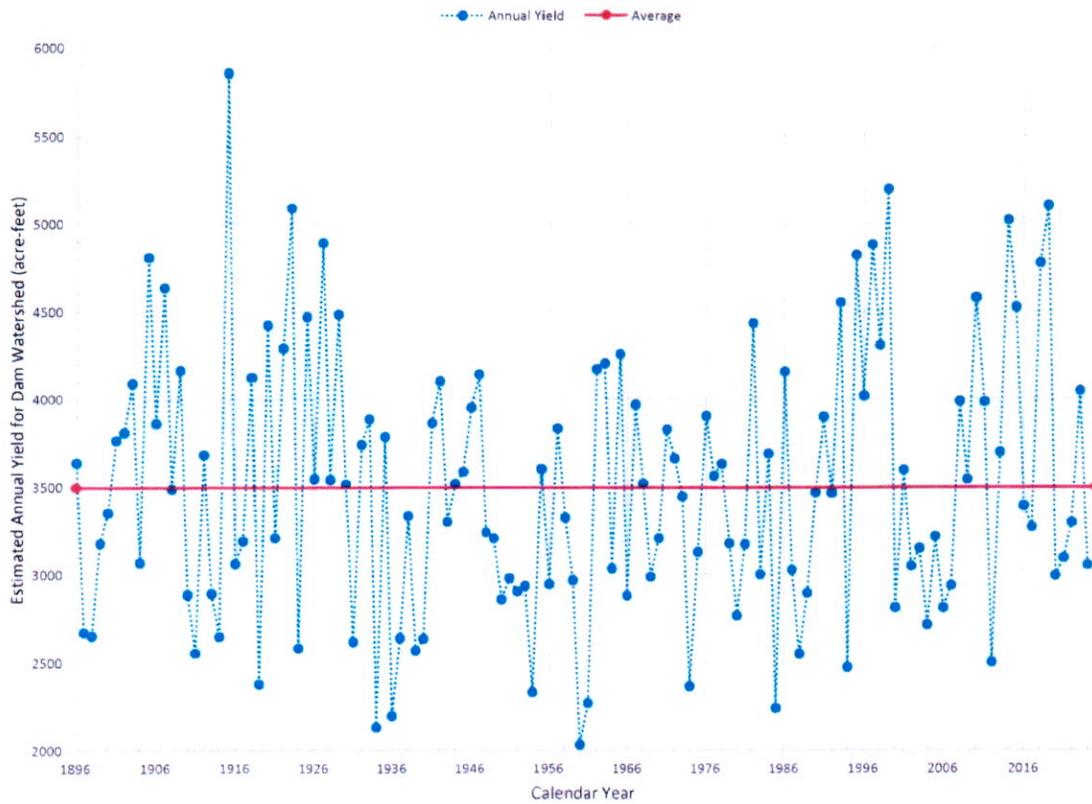


Figure 5: Estimated annual yield for the Custer West Dam watershed using measured precipitation for Custer County from 1896 to 2024 (NOAA, 2025)

Once filled, annual water losses from the reservoir will be mainly due to evaporation, seepage, and domestic use. The reservoir created by the reconstructed Custer West Dam is anticipated to have a surface area of 9.0 acres. Using data from 1956 to 1970, NOAA (1982) provided annual free water surface evaporation data for the contiguous United States. Utilizing NOAA (1982), the estimated annual free water surface evaporation for the proposed dam site is 44 inches per year (approximately 3.7 ft per year). Average annual (calendar year) precipitation in the Custer, SD area is 17.83 inches per year (1.49 ft) (NOAA, 2025). So, net loss between direct precipitation on the reservoir and evaporation is estimated at 26.17 inches (2.18 ft). Applying this over the anticipated surface area results in an estimated annual net loss to evaporation of 19.63 acre-feet. Information is not available to estimate losses to seepage since what is average loss to seepage for a dam is usually not known until after years of operation and is typically not measured. The city's pumping out of the reservoir for domestic use is limited to not exceeding 18 gallons per minute on an average daily basis (or up to 25,920 gallons per day), which is up to approximately 29 acre-feet per year. Since this domestic use of water is part of supplying a public recreation area, actual use will likely be much less since the use will be seasonal in nature and not constant pumping. Information is not available to estimate water use for public safety purposes. The application indicates public safety purposes would primarily be emergency fire suppression, so in most years the volume used for public safety would likely be minimal to none.

Table 3 summarizes the water rights/permits in the watershed above Custer West dam, the water rights/permits for Custer West dam, and the water rights/permits between Custer West dam and USGS Gage 06403300 French Creek above Fairburn SD. USGS Gage 06403300 is located approximately 30 stream miles downstream of the Custer West dam location (USGS, 2025) and has a longer period of record. The gage is just upstream of the Madison and Minnelusa outcrops, which are streamflow loss zones in most of the Black Hills area. USGS Gage 06403300 is currently active and has been collecting data since 1982 (USGS, 2025). The daily percentile flow hydrographs for this gage at the 10th, 25th, and 50th percentiles are shown in Figure 6 by calendar year. Average annual volumes from the percentile data are 924 acre-feet at the 10th percentile, 1,998 acre-feet at the 25th percentile, and 4,452 acre-feet at the 50th percentile.

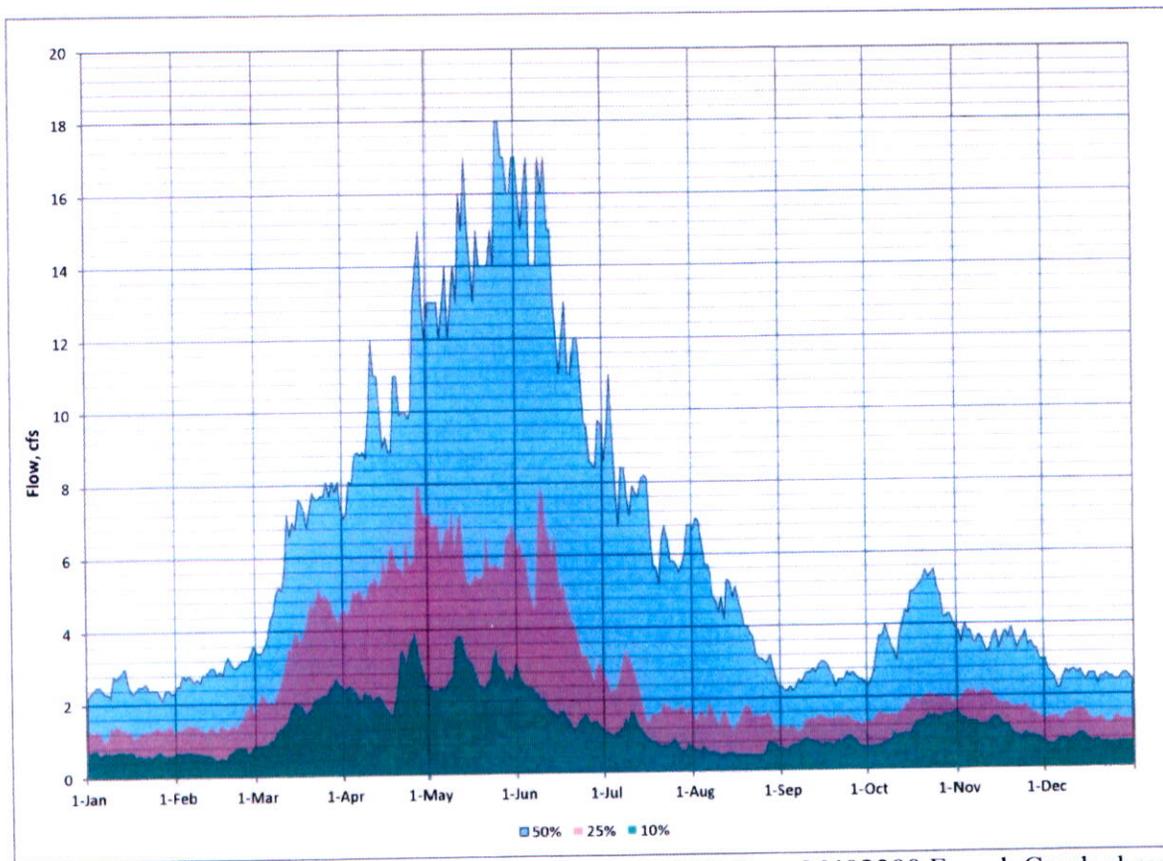


Figure 6: Daily percentile flow hydrographs for the USGS Gage 06403300 French Creek above Fairburn (USGS, 2025).

Table 3: Summary of Water Rights (Water Rights, 2025a)

Surface Water Permits in Watershed Upstream of Application

Permit No.	Name	Use	Priority Date	Annual Appropriation or Storage (acre-ft)	Sources	Rate (cfs)	Estimate Annual Volume @ 60% Usage (acre-ft)	Comments
US102-2	USDA	FWP&DOM&REC	03/14/1934	0.071	MILE HIGH CREEK	n/a	n/a	small pond
US99-2	USDA	IRR&DOM&REC	06/14/1939	5.4	French Creek	n/a	n/a	small pond
US103-2	USDA	DOM&REC&FWP	06/14/1939	0.07	French Creek	n/a	n/a	small pond
US180-2	USDA	FWP&DOM	07/10/1939	0.91	FRENCH CREEK	n/a	n/a	small pond
US183-2	USDA	DOM&FWP&IRR	07/10/1939	0.29	MIDDLE FORK FRENCH CREEK	n/a	n/a	small pond
US218-2	USDA	DOM&FWP	07/21/1939	0.55	French Creek	n/a	n/a	small pond
US249-2	USDA	FWP&DOM&REC	07/21/1939	0.36	JOE DRAW	n/a	n/a	small pond
US251-2	USDA	FWP&REC&IRR	07/21/1939	0.22	GRAVES DRAW	n/a	n/a	small pond
US399-2	USDA	IRR&DOM	08/28/1939	n/a	FOUR MILE SPRING	0.055	23.9	spring flow
US400-2	USDA	IRR&DOM	08/28/1939	n/a	PANNER JOE SPRING	0.012	5.2	spring flow
US401-2	USDA	IRR&DOM	08/28/1939	n/a	VESTAL SPRING	0.012	5.2	spring flow
2380-2	Dillion	IND	02/06/1997	n/a	French Creek	0.022	9.6	returns water to French Creek
Custer West Dam								
298-2	City of Custer	FWP&DOM	04/23/1943	30	French Creek	n/a	n/a	
2751-2	City of Custer	REC & FWP	04/21/2016	47.5	French Creek	n/a	n/a	Past completion date
2878-2	City of Custer	REC & FWP	04/05/2024	47.5*	French Creek	n/a	n/a	*Reinstatement of 2751-2, no new storage
App. 2899-2	City of Custer	REC & FWP	08/22/2025	22.5	French Creek	n/a	n/a	this application
Downstream of Custer West Dam to USGS Gage 06403300 French Creek Above Fairburn								
257-2	City of Custer	MUN	11/03/1930	n/a	French Creek	0.23	99.9	Described as 20 ft well in gravel next to creek.
734-2	Game, Fish, & Parks	REC	01/01/1933	400	French Creek	n/a	n/a	Stockade Dam
US212-2	USDA	FWP&DOM&REC	07/21/1939	0.86	French Creek	n/a	n/a	small pond
US210-2	USDA	FWP&DOM&REC	07/21/1939	2.9	French Creek	n/a	n/a	small pond
Total all groups				511.6	Total all groups		143.8	

Abbreviations: FWP=fish & wildlife production, DOM= domestic, REC=recreation, IRR=irrigation, IND=industrial

Table 3 estimates appropriative water use above the USGS Gage No. 06403300, using either 60% usage for water rights/permit limited by diversion rate or by authorized annual appropriation or storage (impoundment volume). The Water Rights Program estimates average water use by non-irrigation appropriations limited by instantaneous diversion rate to be less than 60% of full time pumping at the permitted diversion rate. The estimated annual appropriated volume including this application upstream of USGS Gage No. 06403300 is approximately 655 acre-feet per year. This estimate is likely conservative, since some of the water rights/permit may not require the full volume to fill every year or return water to the creek. Several of the water rights in Table 3 have permit numbers which include "US", these are very old filings that while recorded as a water right some filings are closer to a modern-day location notice filing for domestic use. However, they are included here since they are on file with the Program as entries in the Water Rights Database (Water Rights, 2025a). There are additional water rights on French Creek below the loss zone, however they were not included in Table 3 since the presence of the loss zone and the stream gage just upstream of it meant water availability for this application could be evaluated without going further downstream. In conclusion, based on best available information, there is water available annually most years to support the impoundment of an additional 22.5 acre-feet of water in Custer West Dam.

Existing Users

The nearest downstream water right/permit is Water Right No. 257-2 held by the City of Custer for municipal use. Water Right No. 257-2 described the water source as the "French Creek drainage basin" and "water is pumped from a well 20 feet deep at the side of French Creek where it is believed the waters of French Creek filter through the gravel into the well" (Water Rights, 2025a). The described well is likely completed into the alluvial deposits along the creek, which receives recharge from the creek. Therefore, it may be more appropriate to consider the water source for Water Right No. 257-2 as groundwater from the quaternary alluvium along French Creek rather than as a whole surface water right from French Creek.

The nearest appropriative user (not the applicant) downstream of the Custer West Dam is the South Dakota Department of Game, Fish, and Parks for Stockade Dam. Stockade Dam is located approximately seven stream miles downstream of Custer West Dam. The USGS gage on French Creek above Stockade is approximately 0.3 stream miles upstream of backwater for the reservoir created by Stockade Dam. The South Dakota Department of Game, Fish, and Parks holds Vested Water Right Claim No. 734-2 for 400 acre-feet per year to fill the reservoir to the spillway outlet. Vested Water Right Claim No. 734-2 was filed in 1961 asking for a priority date of 1933. The amount of appropriation, approximately 400 acre-feet, is based on estimated evaporation losses of three feet per year over the surface area of the reservoir (Schaal, 2016). The reservoir created by Stockade Dam is also fed by Bismark Creek. Due to the size of Stockade Dam and its effect on creek flow, this application, if approved, would have no noticeable impact on flows downstream of Stockade Dam.

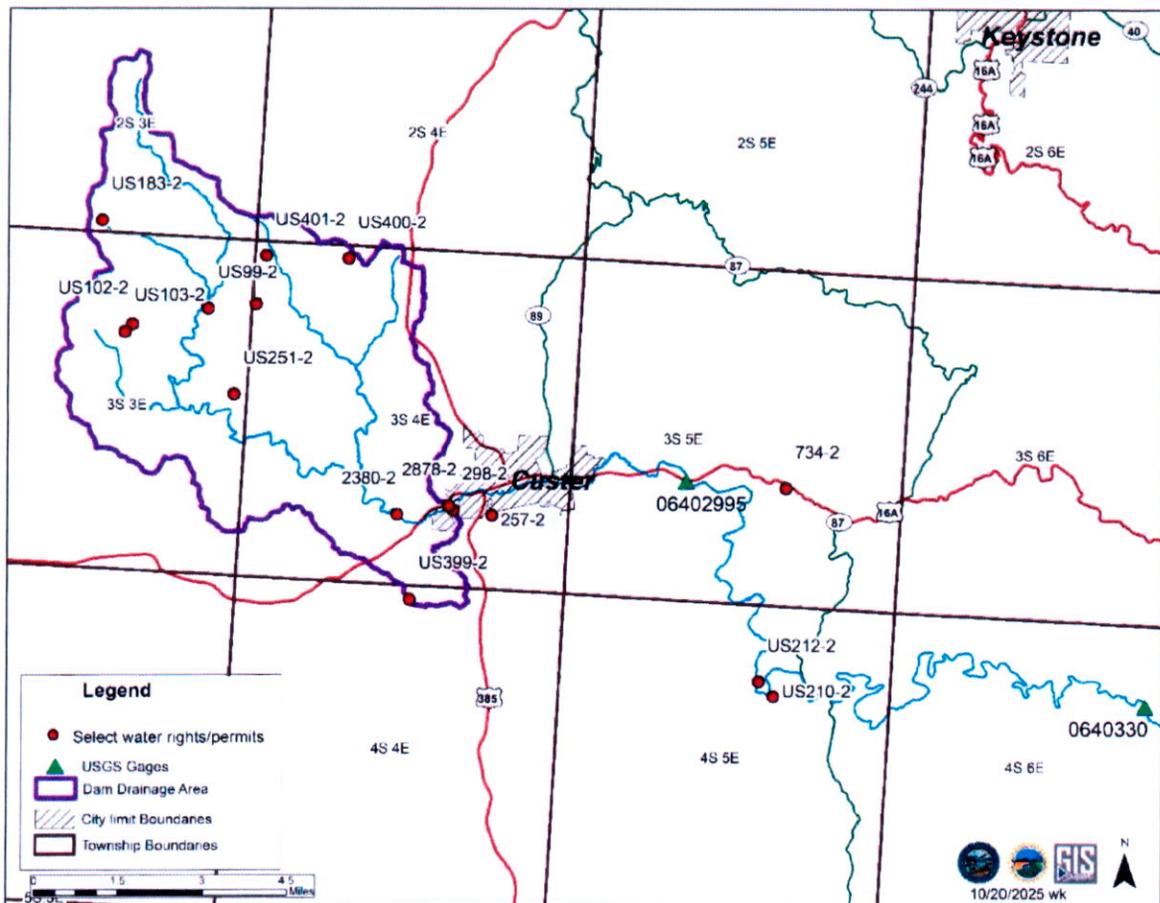


Figure 7: Location of water rights/permits listed in Table 3

There is no history of unlawful impairment between the two dams, and Custer West Dam has been in existence since 1943, impounding water from 1943 to 2012 based on the available information (Water Rights, 2025a and 2025c). Based on the available stream gaging data under average to slightly below average conditions, there is expected to be sufficient runoff to supply both dams including the requested storage increase by this application.

Domestic use concerns have come up downstream of Custer West Dam primarily in the early 1970s (Water Rights, 2025a). These concerns were more in relation to irrigation of portions of a golf course adjacent to the dam and reservoir, rather than an issue with the water impounded by the dam itself (Water Rights, 2025a). Past reviews of these concerns concluded that since a golf course, open to the public, is included under the definition of a public recreation area (ARSD 74:02:1:01.01), that the city's municipal golf course could be irrigated out of the dam without additional water permitting under the definition of domestic use (SDCL 46-1-6(7)) (Water Rights, 2025a). However, the city's pumping for irrigation could not exceed a rate of 18 gallons per minute. This history does suggest that under drier conditions low flows may need to be bypassed for downstream domestic users between the Custer West Dam and Stockade Dam, especially users in the first mile downstream of Custer West Dam which is the approximate distance in stream miles to the next drainage contributing to French Creek (USGS, 2016). Therefore, it is

recommended that the low flow bypass qualification on Water Permit No. 2878-2 for downstream domestic use also be included on this permit, if approved. The design of Custer West Dam does include a low-level outlet, which could be used to bypass low flows if needed (Water Rights, 2025b).

Safety of Dams

The Custer West Dam is classified as a small-sized category 1 dam. A category 1 dam is a high hazard dam which is a dam whose failure may cause loss of life. Reconstruction of a dam regulated under the Safety of Dams rules cannot begin until plans and specifications have been approved by the Chief Engineer of the Water Rights Program and a water permit application, if needed, has been approved. On October 14, 2025, the plans and specifications were approved by the Acting Chief Engineer of the Water Rights Program for compliance with the dam safety rules.

Pursuant to ARSD 74:02:08:10, an emergency preparedness plan (EPP) (more commonly known as an emergency action plan (EAP)) is required for all category 1 dams. The rule does not specify how often a plan needs to be reviewed. However, best practice is that a plan be reviewed at least annually and updated as needed (FEMA, 2013). The majority of state-regulated high hazard dams do not meet the best practice of an annual review of EPPs or EAPs (Water Rights, 2025b). Water Permit No. 2878-2 included a qualification requiring the 2016 EPP for the Custer West Plan be updated prior to the start of dam reconstruction and the plan be reviewed annually and any needed updated provided to all plan holders (Water Rights, 2025a). The updates to the emergency contact information for the Emergency Preparedness Plan have been submitted to the Water Rights Program and other plan holders (Simons, 2025). It is recommended the portion of the qualification on Water Permit No. 2878-2 for the Emergency Preparedness Plan (EPP) to be reviewed and updated annually be included on this permit, if approved.

Conclusions

1. Water Permit Application No. 2899-2, filed by the City of Custer, requests to impound an additional 22.5 acre-feet of water in Custer West Dam on French Creek in the N ½ SE ¼ Section 27-T3S-R4E. The water will be used for recreational, fish and wildlife propagation, and public safety purposes.
2. Combined, this application (if approved), Water Permit No. 2878-2, and Water Right No. 298-2 will authorize the impoundment of a total of 100 acre-feet of water by the reconstructed Custer West Dam on French Creek in the N ½ SE ¼ Section 27-T3S-R4E.
3. While water is expected to be available in average or slightly below average years, water availability for downstream users could be an issue in extremely dry years. Should this occur, the City of Custer would need to bypass inflow water to downstream domestic users and water right holders with a senior priority date.
4. It is recommended that the low flow bypass qualification on Water Permit No. 2878-2 for downstream domestic use and senior water rights also be included on this permit, if approved.

5. It is recommended that the qualification on Water Permit No. 2878-2 for the Emergency Preparedness Plan (EPP) to be reviewed and updated annually be included on this permit, if approved.


Whitney Kilts
SDDANR- Water Rights Program

References

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- Water Rights, 2025b. Safety of Dams Files. SD DANR-Water Rights Program, Joe Foss Building, Pierre, South Dakota.
- Water Rights, 2025c. County Complaint Files. SD DANR-Water Rights Program, Joe Foss Bldg., Pierre, South Dakota.
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Nancy Hilding
President
Prairie Hills Audubon Society
P.O. Box 788
Black Hawk, SD 57718
phas.wsd@rapidnet.com,
605-787-6466
Nov. 24th,2025

Acting Chief Engineer's
Water Rights Program,
Foss Building,
523 E Capitol, Pierre, SD 57501

RE: This is application 2899-2 Application to Appropriate Water in SD

- City of Custer, 622 Crook Street, Custer SD 57730, has filed an application for a water permit to impound an additional 22.5 acre-feet of water, in Custer West Dam, located on French Creek, to what is currently authorized by Water Right No. 298-2 & Water Permit No. 2878-2.

Dear Chief Engineer,

We are an environmental group concerned about the protection of the American dipper in the Black Hills. It is non-migratory and lives year-round near fast moving, clear, rocky streams. The dipper once existed in French Creek, Rapid Creek, Box Elder Creek, Elk Creek, Bear Butte Creek, Spearfish Creek and Whitewood Creek in the Black Hills. It now exists in Spearfish and Whitewood Creek (and some tributaries). Our Black Hills dipper are isolated from other dipper populations in the American west and are developing unique genetics that may warrant a sub-species classification, however in 2009, the USFWS wanted more research to prove that, before listing as a Distinct Population Segment, under the ESA.

This aquatic song bird is listed as a state threatened species under SD's Endangered Species Act. It is a Forest Service sensitive species. We and 3 other groups petitioned in 2008 to have the Black Hill's American dipper listed as a Distinct Population Segment (DPS) under the federal Endangered Species Act, but that petition was denied in 2009 by the USFWS.

The dipper is believed to have been lost in French Creek due to loss of water quality and perhaps loss of water quantity due to Stockage Lake. The dipper were prevalent in French Creek in 1920s but disappeared in 1930s, perhaps due to Stockade Lake water quantity and/or quality impacts.

Prairie Hills Audubon Society wants to recover the American dipper in as many Black Hills streams as possible. It's existence in only 2 drainages, makes its' existence vulnerable to major events such as floods or fires. We think Custer State Park (CSP) is supposed to be managed at least in part for wildlife and we want the Park and DANR to work towards protecting the water quality and quantity in the French Creek, so it can once again support an American dipper population.

Here is a map of potential nest sites from page 9 of 2019 report: "Identification and Monitoring of American Dipper Populations and Inhabited Areas in South Dakota Final Report," (Link to this page devoted to French Creek - https://phas-wsd.org/wp-content/uploads/French-Creek_Dipper_2019reportDrilling.pdf):

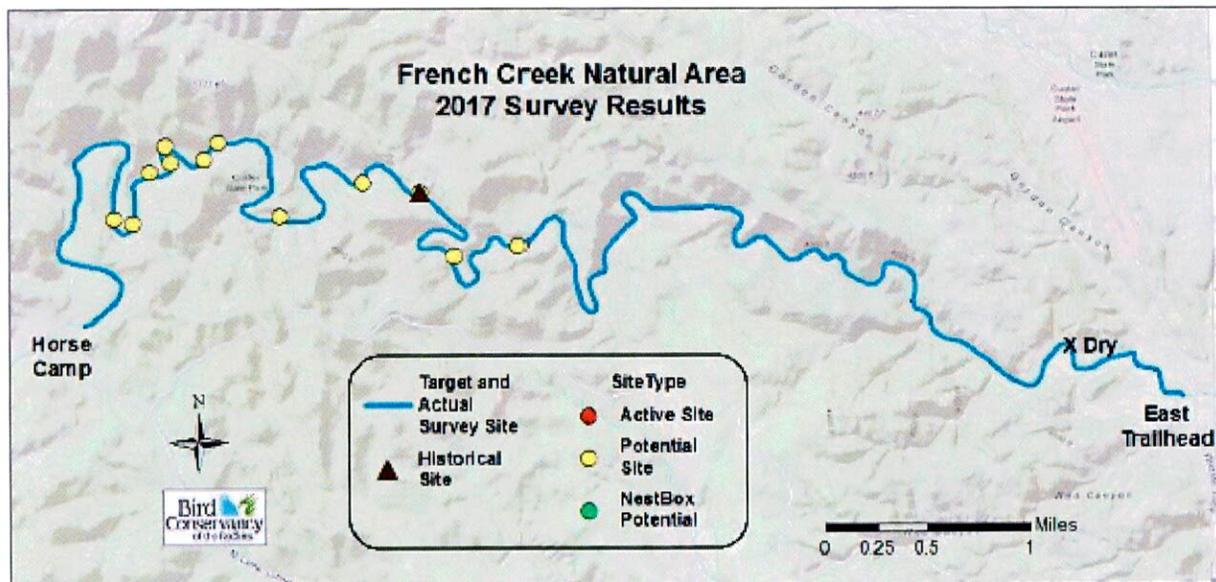


Figure 8. Map of French Creek survey area
 Approximately 25 potential nest sites on the east end were not marked.

The Report says:

“Given the number of good nest sites and creek stretches with the potential for fast flows it there is enough water, the 1920s historical records of many dippers along this creek is certainly likely. However, Stockade Lake was built upstream in the 1930s and there have been no subsequent dipper records on this creek, suggesting that the lake has altered stream flows and water quality to the detriment of dippers.”

The 2008 Petition to list the Black Hills American dipper says:

“Probable causes for the loss of a breeding population of dippers are pollution, construction of the Stockade Lake Dam, heavy sedimentation, and the presence of many small rock dams (Backlund 2007). Stockade Lake has a history of being highly eutrophic (Froiland 1978, Backlund 2007).”

We however want DANR to look at the CUMULATIVE IMPACTS of all water quantity withdrawals and impoundments on French Creek to the in-stream flow in areas of the historic American dipper population and consider the cumulative impacts to American dipper habitat of increased impoundment of water in on the City’s dam on French Creek.. We want you all to work to maximize water quality and quantity in the Creek at the area of the historic dipper population. We very much doubt this increased impoundment will help French Creek provide the aquatic habitat needed by dippers..

We are also concerned about water quality. There was a recent fight between residents of Custer County and the City of Custer about the decision to dump the City’s treated waste water into French

Creek. Opponents of the City of Custer's treated sewage dumping, say the water quantity sampling was done 20 miles from the proposed new discharge point -- down in the southern side of CSP. The opponents claim the DANR or the City is relying on unrealistic water quantities to create effluent dilution that won't exist up north at the point source & thus violation of water quality standards will occur. The voters of Custer County passed a referendum to declare the proposed dumping to French Creek a nuisance but the Courts ruled in the City's favor, saying that actions approved by DANR can't be a nuisance. We question the impacts of increased up-stream impoundment on the water quality of French Creek.

Has Custer City started to discharge effluent already and if so, has the water quality in French Creek been sampled post discharge, during a low flow season?

We ask that you evaluate the impact of this water impoundment to American dipper habitat in French Creek. We ask where in the Black Hills will the water quality and quantity of streams will be protected to allow reintroduction of dippers to the streams? Why not in Custer State Park.

Bibliography:

We include some references below with hyper-links to the articles so you can download them:

Identification and Monitoring of American Dipper Populations and Inhabited Areas in South Dakota Final Report, March 31, 2019, Bird Conservancy of the Rockies, Tech. Report AMDI-4, <https://apps.sd.gov/gf56fisheriesreports/getWDRReport.ashx?GUID=20190507-1943-4399-3235-846864d7e3d0&revNum=1>

Conservation genetics of American Dipper (*Cinclus mexicanus*): the genetic status of a population in severe decline, Cynthia M. Anderson, Garth M. Spellman, Carolyn S. Ferrell, Katherine Strickler, Shane K. Sarver, 2007, <https://phas-wsd.org/wp-content/uploads/Anderson-Conserv-Genet-Dipper.pdf>

Final Report: Evaluation of DNA Microsatellite Fingerprinting Markers for the American Dipper, *Cinclus mexicanus*, Cynthia Anderson and Shane Sarver, <https://phas-wsd.org/wp-content/uploads/BH-dipper-genetics.pdf>

Petition to list the Black Hills of South Dakota distinct population segment of American dipper (*Cinclus mexicanus unicolor*), as THREATENED or ENDANGERED under the Endangered Species Act 16 USC § 1531 et seq. (1973 as amended) and for the designation of Critical Habitat, 2008, <https://phas-wsd.org/wp-content/uploads/2008-American-Dipper-Petition-Final.pdf>

Sincerely,



Nancy Hilding
President
Prairie Hills Audubon Society



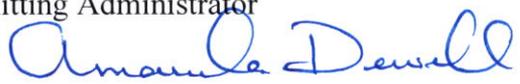
**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

January 20, 2026

NOTICE OF HEARING

TO: Joint Well Field Inc., c/o Reed Andries, Manager
PO Box 340, Toronto SD 57268

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

SUBJECT: Notice Scheduling Hearing Regarding Revision of Qualification No. 1 on Future Use Permit No. 6988B-3

Future Use Permit No. 6988B-3, held by Joint Well Field Inc., amends Future Use Permit Nos. 6988-3 & 6988A-3 by expanding the area reserved for future use. The application for No. 6988B-3 and was being processed in tandem with another application (8922-3) submitted by Joint Well Field Inc., to place a portion of the reserved water to beneficial use. Water Permit No. 8922-3 was approved for a total annual appropriation of up to 1,500 acre-feet, that was not accounted for in the remaining future use reservation balance identified in Qualification No. 1 on Future Use Permit No. 6988B-3.

The acting Chief Engineer recommends revising Qualification No. 1 to reflect a corrected future use reservation balance from the Big Sioux: Brookings Aquifer. The qualification would read as follows:

Future Use Permit Nos. 6988-3, 6988A-3, and 6988B-3, at the time of approval of No. 6988B-3, have a combined 875 acre-feet of water annually remaining in reserve from the Big Sioux: Brookings Aquifer.

The Water Management Board will conduct a hearing to consider amendment of the Qualification No. 1 on Future Use Permit No. 6988B-3 at **9:45 AM, on March 4, 2026 (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Ave, Pierre SD 57501 (*the agenda time is an estimate, and 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) revise the qualification as recommended, 2) delay action, or 3) take no action on Future Use Permit No. 6988B-3 based upon facts presented at the public hearing.

The hearing will be conducted pursuant to the provisions of SDCL 46-1-14; 46-2-5, 46-2-9, 46-2-11; and Board Rules ARSD 74:02:01:14. This is a contested case 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.

Prior to January 30, 2026, 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 qualification revision; 2) to assure access to the meeting room for the handicapped; or 3) to obtain an interpreter for the hearing impaired.

According to SDCL 1-26-18.3, parties to a contested case may use the Office of Hearing Examiners to conduct a hearing if either a property right is being terminated or the dollar amount in controversy exceeds \$2,500.00. If you choose to use the Office of Hearing Examiners rather than the hearing procedure described above, then you need to notify the acting Chief Engineer (Water Rights Program, 523 E. Capitol Avenue, Pierre SD) by January 30, 2026.

Questions regarding the hearing process may be directed to Amanda Dewell, Permitting Administrator, Water Rights Program, at (605) 773.3352 or amanda.dewell@state.sd.us.

