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MINUTES OF THE 258TH MEETING
OF THE WATER MANAGEMENT BOARD
REMOTE CONNECTION MEETING
FLOYD MATTHEW TRAINING CENTER
523 EAST CAPITOL AVENUE
PIERRE, SOUTH DAKOTA
MARCH 4, 2026

CALL TO ORDER AND ROLL CALL: Chairman Larson 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: William Larson, Jim Hutmacher, Rodney Freeman, Chad Comes, Leo Holzbauer, and Peggy Dixon attended remotely. Kelly Hepler attended in person.

Department of Agriculture and Natural Resources (DANR): Mark Mayer, Director, Office of Water; Adam Mathiowetz, Acting Chief Engineer, Ron Duvall, Amanda Dewell, Whitney Kilts, Nakaila Steen, and Rachel Rodriguez, Water Rights Program.

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

Legislative Oversight Committee Members: None.

Others: Marcus Hluchy, Gunderson, Palmer, Nelson & Ashmore, Pierre.

ADOPT FINAL AGENDA: Motion by Hepler, seconded by Freeman, to adopt the final agenda. A roll call vote was taken, and the motion carried with Comes, Dixon, Freeman, Hepler, Holzbauer, and Larson voting aye. Due to technical difficulties, Mr. Hutmacher's vote was not heard.

CONFLICT DISCLOSURES AND REQUESTS FOR STATE BOARD WAIVERS: None.

ADOPT DECEMBER 3, 2025, BOARD MINUTES: Motion by Freeman, seconded by Comes, to adopt the minutes for the December 3, 2025, Water Management Board meeting. A roll call vote was taken, and the motion carried with Comes, Dixon, Freeman, Hepler, Holzbauer, and Larson voting aye. Due to technical difficulties, Mr. Hutmacher's vote was not heard.

SET MAY 6-7, 2026, MEETING DATES AND LOCATION: Motion by Helper, seconded by Dixon, to set the next meeting for May 6-7, 2026, at the Matthew Training Center in Pierre. A roll call vote was taken, and the motion carried with Comes, Dixon, Freeman, Hepler, Holzbauer, and Larson voting aye. Due to technical difficulties, Mr. Hutmacher's vote was not heard.

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SET JULY 8-9, 2026, MEETING DATES AND LOCATION: Motion by Freeman, seconded by Comes, to set the next meeting for July 8-9, 2026, at the Matthew Training Center in Pierre. A roll call vote was taken, and the motion carried with Comes, Dixon, Freeman, Hepler, Holzbauer, and Larson voting aye. Due to technical difficulties, Mr. Hutmacher's vote was not heard.

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

UPDATE ON DANR ACTIVITIES: Mark Mayer, Director of the Office of Water, announced the Adam Mathiowetz has been appointed as the Acting Chief Engineer. He also provided an update on the following 2026 legislation pertinent to the Board.

HB 1103 - An Act to require that annual withdrawal of groundwater from any groundwater source may not exceed the annual recharge of water to the groundwater source.

This bill sought to remove the Greenhorn Formation exception from the law. The bill passed the House Agriculture and Natural Resources committee but failed in the House.

SB 37 (DANR Omnibus Bill) - An Act to make appropriations for water and environmental purposes and to declare an emergency.

This bill passed Joint Committee on Appropriations, was passed by the Senate, and is being considered by the House.

Mr. Mayer stated that there are several data center bills that directly affect the Water Management Board. Several of those bills have died in committee, but one, SB 135, will likely be passed. SB 135 requires a data center to work with the local providers to ensure that water is available, report that the data center has worked with the local providers to the Water Management Board, which then has to make it publicly available. It also suggests that the Water Management Board can deem how much water the data center should use. This is something the Board does not presently do.

SCR 606 is a resolution encouraging the South Dakota Conservancy District to obtain and hold a future use permit for not less than 500,000 acre-feet of water per year from the Missouri River for the long-term needs of this state.

Mr. Mayer stated that the department (DANR) worked with the sponsors on an amendment to remove the requirement that the Conservancy District obtain a future use permit for 500,000 acre-feet of water per year from the Missouri River. He noted that the South Dakota Conservancy District is the Board of Water and Natural Resources, and why have that board duplicate what the Water Management Board already does. SCR 606 now basically states that the Water Management Board recognizes the importance of the Missouri River and will continue to make appropriations from the river a priority. The resolution passed the Senate and the House.

Chairman Larson asked if there have been inquiries from other states to use more water from the Missouri River. Mr. Mayer stated that there have not officially been inquiries from other states.

SCR 607 is a resolution supporting congressional authorization for and federal participation in

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major rural water supply projects identified by the South Dakota Association of Rural Water Systems. Mr. Mayer noted that this resolution passed.

Mr. Mayer answered questions from the board members.

Mr. Mayer announced that Ron Duvall will be retiring on May 8, 2026.

STATUS AND REVIEW OF WATER RIGHTS LITIGATION: David McVey reported that Powertech, on their civil matter, has filed a motion to withdraw or to discontinue the case.

ADMINISTER OATH TO DEPARTMENT OF AGRICULTURE AND NATURAL RESOURCES STAFF: Rachel Rodriguez, Notary Public of South Dakota, administered the oath to staff who intended to testify during the meeting.

SEVEN-YEAR REVIEW OF FUTURE USE PERMITS: A table listing the future use permits for a seven-year review were included in the packet the Board members received prior to the meeting. Certain entities such as water distribution systems, municipalities, non-profit rural water systems and sanitary districts can reserve water for future needs.

Amanda Dewell reported that state law requires that future use permits be reviewed by the Water Management Board every seven years, and it requires the permit holder to demonstrate a reasonable need to retain the future use permit.

There were five Future Use Permits included in the Board packet. The Water Rights Program contacted each of the entities inquiring whether the entity had reason to retain the future use permit. The letters received from the entities requesting to retain their future use permits, the Acting Chief Engineer’s recommendations, and the Affidavits of Publication showing that the hearing was public noticed were included in the Board packet. No letters in opposition or comments were received in response to the public notices.

The Acting Chief Engineer recommended the Board allow the following Future Use Permits to remain in effect for an additional seven years, as listed below.

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

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Motion by Holzbauer, seconded by Hepler, that the five future use permits remain in effect for the amounts listed in the table. A roll call vote was taken, and the motion carried with Comes, Dixon, Freeman, Hepler, Holzbauer, and Larson voting aye. Due to technical difficulties, Mr. Hutmacher’s vote was not heard.

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

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

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

Number	Previous Owner	Present Owner(s) and Other Persons Notified	Reason
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DIVISION I

PE 2026-1		Whiskey Ridge LLC c/o Shanon Vasknetz	Non-Construction/ Abandonment
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DIVISION II WATER RIGHTS/PERMITS

RT 399A-2		Steve Simunek	Abandonment
PE 2822-2		Johnson Land & Cattle LLC c/o Adam Johnson	Non-Construction/ Abandonment

DIVISION III WATER RIGHTS/PERMITS

RT 1585-3		Putnam Family Farm LTD c/o Everett Putnam	Abandonment/Forfeiture
RT 4842-3	Brandon Materials Co. c/o Mark Thompson	Oakland Homes c/o Justin Oakland	Abandonment/Forfeiture
PE 8352-3		Oscar Inc. c/o Floyd Peterson	Non-Construction

Motion by Freeman, seconded by Holzbauer, to accept the Acting Chief Engineer’s recommendations for cancellation of the six water rights and water permits for the reasons listed in the table. A roll call vote was taken, and the motion carried with Comes, Dixon, Freeman, Hepler, Holzbauer, and Larson voting aye. Due to technical difficulties, Mr. Hutmacher’s vote was not heard.

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IRRIGATION QUESTIONNAIRE VIOLATIONS FOR FAILURE TO REPORT 2025 WATER USE: Ms. Dewell presented the report on irrigation questionnaire violations.

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; online, which is the preferred method, by mail, or by fax.

On January 20, 2026, notices were mailed by first class mail to those irrigators who had not returned the 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 at least 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.

Additional efforts were made to collect the irrigation questionnaires through telephone calls or emails by the Water Rights Program. As of February 19, 2026, when the Board packet was assembled, there were 90 irrigation questionnaires that had not been returned. As of March 4, 2026, there were 51 irrigation questionnaires that had not been returned.

The Acting Chief Engineer recommended that the Board take the following action for permits with irrigation questionnaires not received by March 4, 2026.

Suspend the following permits/rights for one year, effective April 3, 2026, unless the questionnaires are received by April 3, 2026, by 5:00 p.m.

Violation 1

Water Right 1031-3	Dale and Mary Helen Bisson
Water Right 1036-3	Dale and Mary Helen Bisson
Water Right 5411-3	Central Valley Golf Club c/o Rob Dressen
Water Right 1169-1	GW Evridge
Water Right 1091-3	Walter Heien, c/o Wilma Heien

Water Right 3012-3	Mark & Melvin Morlock
Water Right 7323B-3	Mark & Heidi Morlock
Water Permit 8430-3	Laverne Neuharth
Water Right 3484-3	Charlotte Nichols, c/o Phillip Nichols
Water Right 842-1	Robert Phelps Jr.
Water Right 5566-3	Wayne Reiersen
Water Right 7615-3	Wayne Reiersen
Water Permit 8842-3	Greg & Evette Rihanek
Water Right 6441-3	Six Mile Creek Golf Course, c/o Chad Schulte
Water Right 484B-1	Dale Sprague
Water Permit 8852-3	Swan Creek Land Co Inc, c/o Daryl Thompson
Water Right 7942-3	Terrill Farms Inc, c/o Tony Terrill
Water Permit 2001-1	Tilton Ranch Inc, c/o Janet Burbach
Water Right 3871A-3	Dan & David Trudeau
Water Permit 6453-3	Dan & David Trudeau
Water Right 6200-3	Oscar Inc, c/o Floyd Peterson
Water Right 2282-3	Jon & Bryan Uecker
Water Right 7421-3	Valley View Farms Inc, c/o Nathan Reichling
Water Right 4332-3	Kash & Trish Van Dyke
Water Right 5558A-3	Kash & Trish Van Dyke
Water Right 3582A-3	Doug & Darla Van Gerpen
Water Right 7976-3	Vasgaard Properties, c/o Richard Vasgaard
Water Permit 2887-2	Vintage Square Estates, c/o Brett Warkenthien
Water Permit 2783-2	Vernon & Marlys Walkling
Water Right 6051-3	Jerry & David Wieber
Water Right 1012-1	Chance & Michelle Wientjes
Water Right 1067-1	Chance & Michelle Wientjes
Water Permit 1937-1	Chance & Michelle Wientjes
Water Permit 1938-1	Chance & Michelle Wientjes

Suspend the following permits/rights for three years effective April 3, 2026, unless the questionnaires are received by April 3, 2026, by 5:00 p.m.

Violation 2

Water Right No. 881-2	Ryan Edwards
Water Right 6073-3	Six Mile Creek Golf Course, c/o Chad Schulte

Cancel the following permits/rights effective April 3, 2026, unless the questionnaires are received by April 3, 2026, by 5:00 p.m.

Violation 3

Water Right 410B-2	Kathi Koester & Matthew Hespern
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Amend the following permit/right to include the mandatory irrigation questionnaire qualification (effective March 4, 2025)

Violation A

Water Right 6451-3	Bluffs Townhomes Assoc.
Water Right 3564-3	Donald Goetz
Water Right 6553-3	Prairie Hills Covenant Church
Water Right 1267-2	Richard Bollmann
Water Right 3004A-3	Louann Soukup
Water Right No. 2282-3	John or Byran Uecker
Water Right 224-3	Kory Standy
Water Right 1560-3	Kory Standy
Water Right 2546A-3	Kory Standy
Water Right 387-3	Richard Vasgaard
Water Right 1388-3	John Vasgaard, c/o Richard Vasgaard
Water Right 2981-3	John Vasgaard, c/o Richard Vasgaard
Water Right 430-1	Leroy Wetz
Water Right 3955-3	Bonnie Wirt
Water Right 1269-3	Blake Wollman

Motion by Comes, seconded by Hepler, to suspend for one year those permits listed under Violation 1 effective April 3, 2026; to suspend for three years those permits listed under Violation 2 effective April 3, 2026, and cancel the permit listed under Violation 3 effective April 3, 2026; unless the questionnaires for the permits/rights subject to Violation 1, 2, and 3 are submitted prior to the April 3, 2026, effective date; and to add the qualification to the permits listed under Violation A, effective March 4, 2026. A roll call vote was taken, and the motion carried with Comes, Dixon, Freeman, Hepler, Holzbauer, and Larson voting aye. Due to technical difficulties, Mr. Hutmacher's vote was not heard.

UNOPPOSED NEW WATER PERMITS ISSUED BY THE ACTING CHIEF ENGINEER

WITHOUT A HEARING BEFORE THE BOARD: Prior to the meeting, the Board received a copy of the table listing the unopposed new water permits issued by the 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. Seventeen permits have been issued by the acting Chief Engineer since the December 2025 Water Management Board meeting.

No petitions in opposition were received in regard to any of these permits; however, one comment was received in response to the public notice for Water Permit No. 2899-2, City of Custer. The comment letter from Nancy Hilding, President of the Prairie Hills Audubon Society was included in the Board packet.

Prior to submitting this application, the City of Custer held Water Right No. 298-2 and Water Permit No. 2878-2 for the impoundment of water in Custer West Dam, which is located along

French Creek. This new permit application allowed for the impoundment of additional water for a total of 100 acre-feet for recreation, fish and wildlife production, and public safety and fire suppression. The Custer West Dam has already been an established project; this is simply some new work being done and light expansion on the project.

Ms. Hilding commented on the environmental group's concern for the American Dipper, which is an aquatic songbird listed as a threatened species under the state's Endangered Species Act, and has natural habitat along French Creek.

Ms. Dewell noted that Acting Chief Engineer Adam Mathiowetz and Whitney Kilts, the author of the report, were available to answer questions.

In response to a question from Mr. Hepler, Ms. Kilts stated that the locations provided in Ms. Hilding's comment letter are all downstream of Stockade Lake, which is downstream of the Custer West location. Stockade Lake has a normal storage of approximately 1,800 acre-feet so it is much larger dam than the Custer West Dam. Ms. Kilts stated that in reading Ms. Hilding's comments, based on what was provided, Stockade Lake seems to be the dam that is probably more tied to her concerns rather than the Custer West Dam.

In response to a question from Chairman Larson, Ms. Dewell stated that the permit has already been issued.

No Board action was necessary.

APPOINTMENT OF RAPID VALLEY WATER MASTER: Nakaila Steen, Water Rights Program, reported that the Rapid Valley Conservancy District has requested that Kevin Ham be appointed as the Water Master for the 2026 irrigation season for the Rapid Creek area.

Motion by Freeman, seconded by Comes, to appoint Kevin Ham as the Rapid Valley Water Master for the 2026 irrigation season. A roll call vote was taken, and the motion carried with Comes, Dixon, Freeman, Hepler, Holzbauer, and Larson voting aye. Due to technical difficulties, Mr. Hutmacher's vote was not heard.

CONSIDER AMENDING QUALIFICATION NO. 1 ON FUTURE USE PERMIT NO. 6988B-3, JOINT WELL FIELD, INC.: Ms. Dewell reported that Future Use Permit No. 6988B-3 was issued to Joint Well Field Inc. on November 21, 2025. The permit amended two existing future use permits, No. 6988-3 and No. 6988A-3, allowing for the expansion of the area reserved for future use development.

Qualification No. 1 on that permit identified reservation of 2,375 acre-feet of water annually from the Big Sioux: Brookings Aquifer. However, at the same time the Water Rights Program was processing the application to expand the future use area, another application had been subsequently submitted by Joint Wellfield, Inc. to place 1,500 acre-feet of the reserved water to beneficial use. That was Permit No. 8922-3, which has already been issued.

Since there were 1,500 acre-feet removed from the future use reservation prior to Permit No. 6988B-3 being issued, the Water Rights Program asked that the Board amend Qualification No. 1 to 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.

Motion by Freeman, seconded by Comes, to amend Qualification No. 1 as recommended by the Acting Chief Engineer. A roll call vote was taken, and the motion carried with Comes, Dixon, Freeman, Hepler, Holzbauer, and Larson voting aye. Due to technical difficulties, Mr. Hutmacher's vote was not heard.

ADJOURN: Motion by Freeman, seconded by Holzbauer, to adjourn. A roll call vote was taken, and the motion carried with Comes, Dixon, Freeman, Hepler, Holzbauer, and Larson voting aye. Due to technical difficulties, Mr. Hutmacher's vote was not heard.

Approved May 6, 2026.

Water Management Board

WATER MANAGEMENT BOARD MEETING March 4, 2026

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

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

No.	Name	Address	County	Amount	Use	Source	Qualifications
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/WDS	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&WP	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/COM	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

**Future
Use
Reviews**

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