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

October 28, 2026

NOTICE OF HEARING

TO: Peter Sobotka
12575 Eden Rd
Whitewood SD 57793

Emily Grecco, Assistant Attorney General
1302 E Highway 14, Suite 1
Pierre SD 57501

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

SUBJECT: Notice of Hearing on Water Permit Application No. 2052-1, Peter Sobotka

A petition was filed in the matter of Water Permit Application No. 2052-1 in response to the Notice of Application published in the Faith Independent and Black Hills Pioneer on September 30, 2026, and October 7, 2026, respectively. This notice schedules a hearing on Application No. 2052-1 before the South Dakota Water Management Board.

Water Permit Application No. 2052-1 proposes to appropriate 0.40 cubic feet of water per second from an infiltration gallery to be completed into the Quaternary Aged Alluvium (approximately 30 feet deep) located in NE 1/4 NW 1/4 Section 29 for irrigation of 80 acres located in the E 1/2 NW 1/4, W 1/2 NE 1/4, NE 1/4 NE 1/4 Section 29; all in T6N-R5E. This site is located in Meade County, approximately four and one-half miles east of Whitewood SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2052-1 with qualifications because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest.

The Water Management Board will conduct a hearing to consider Application No. 2052-1 at **10:35 AM (Central Time), on Wednesday, December 2, 2026,** at the Floyd Matthew Training Center, Joe Foss Building, 523 E. Capitol Avenue, Pierre SD. The time is an estimate and may be delayed due to prior items on the agenda. Notice will be provided to parties if there is a change in the time or date of the hearing. The Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny the application after it reaches a conclusion based on the facts presented at the public hearing.

The December 2, 2026, hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from the applicant or any person who has filed a petition to oppose or support the application. The request for an automatic delay must be filed by **November 9, 2026**. If an automatic delay is requested, the hearing will be rescheduled for a future Board meeting, and personal notice will be provided to all petitioners regarding the time, date, and location.

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

Contact Amanda Dewell at the above Chief Engineer's address to request additional copies of the staff report, recommendation, application or other information related to the application. Notice is given to individuals with disabilities that this hearing is being held in a physically accessible place. Please notify the Department of Agriculture and Natural Resources at least 48 hours before the hearing if you have a disability for which special arrangements must be made at the hearing. The telephone number for making arrangements is (605) 773-3352.

State law directs the Chief Engineer to provide Water Management Board members with a copy of all pleadings including petitions for each proceeding. The information provided to you is also being sent to the Board members in advance of the hearing. Notices, orders and other pleadings filed in this matter are posted on DANR's contested case page at https://danr.sd.gov/public/ContestedCase.aspx.

Enclosed are two documents intended to acquaint parties with the hearing process entitled "Procedure for Hearings before the Water Management Board" and "Summary of South Dakota Water Laws and Rules." You are encouraged to review these documents prior to the hearing.

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 direct mail to you, and the applicable date to give notice to the Chief Engineer is **November 9, 2026**. However, since this particular matter is a water permit application and not a monetary controversy in excess of $2,500.00 or termination of a property right, the Chief Engineer disputes the applicability of this provision and maintains that the hearing must be conducted by the Board.

As applicable, the following provides the legal authority and jurisdiction under which the hearing will be held and the particular statutes and rules pertaining to this application: SDCL 1-26-16 thru 1-26-28; SDCL 46-1-1 thru 46-1-9, 46-1-13 thru 46-1-16; 46-2-3.1, 46-2-9, 46-2-11, 46-2-17; 46-2A-1 thru 46-2A-12, 46-2A-14, 46-2A-15, 46-2A-20, 46-2A-21, 46-2A-23; 46-5-1.1, 46-5-2 thru 46-5-26, 46-5-30.2 thru 46-5-30.4, 46-5-31 46-5-32 thru 46-5-34.1, 46-5-38 thru 46-5-39, 46-5-46, 46-5-47, 46-5-49; 46-6-1 thru 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14, 46-6-21, 46-6-26; Board Rules ARSD 74:02:01:01 thru 74:02:01:24.02 and ARSD Chapter 74:02:04.

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

CERTIFICATION

The undersigned hereby certifies under the penalty of perjury that I have personally deposited a true and correct Notice of Hearing dated October 28, 2026, "Procedure for Hearings before the Water Management Board" and "Summary of South Dakota Water Laws and Rules" into the United States Mail in Pierre, South Dakota, first class postage prepaid to the following on October 28, 2026.

Peter Sobotka
12575 Eden Rd
Whitewood SD 57793

Also sent via inter-office mail to:

Emily Grecco, Assistant Attorney General
1302 E Highway 14, Suite 1
Pierre SD 57501

Alyce McGhee
Senior Secretary-Water Rights

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 28th day of October, 2026.

Rachel Rodriguez Notary Public
My Commission expires May 16, 2029

RACHEL RODRIGUEZ NOTARY Seal PUBLIC STATE OF SOUTH DAKOTA