

WATER PERMIT NO. 2334A-2

Name of Applicant: **Croell, Inc.**

Address: **PO Box 1352, Sundance WY 82729**

Phone: **307-283-2221**

Amount of Water Claimed: **48.4 AF**

Total Acres: **N/A**

Source of Water Supply: **Groundwater**

Water to be used for: **Industrial**

County: **Pennington**

Type of Waste Disposal System:

Location: **Northeastern city limits of Rapid City**

PRIORITY Date Received: **06-13-25**

Application/License Fee: **\$300.00**

Corrected Application Received: **06-13-25**

Period of Annual Use: **January 1 – December 31**

Remarks: **Amending to change from RWS to Industrial use. Also GLM Land Corp sold to Croell.**

Diversion Point: **SW 1/4 NW 1/4 Sec 28-T2N-R8E**

Land to be Irrigated: **N/A**

Depth of Well: **1810**

Well Driller: **VeneKamp**

Remarks:

Type of Map: **topo**

	x				
			28		

Reviewed and the Number Assigned on: **06-16-25**

By: **Rachel Rodriguez**

Notice of Hearing - date to intervene: _____

SOUTH DAKOTA
WATER PERMIT NO. 2334A-2

Date of first receipt of application June 13, 2025.

The Acting Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 2334A-2 to Croell, Inc., PO Box 1352, Sundance WY 82729, authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 2334A-2 amends Water Right No. 2334-2 by changing the type of water use. Water Right No. 2334-2 appropriates 0.067 cubic feet of water per second (cfs) from one well completed into the Inyan Kara Aquifer (1,810 feet deep) located in the SW 1/4 NW 1/4 Section 28-T2N-R8E for rural water system use. This Permit changes the use of water from the existing well from rural water system use to industrial use, with no increase in the 0.067 cfs diversion rate. This site is in the northeastern city limits of Rapid City SD.
2. The water appropriated shall be used for the purpose of industrial use and may not exceed the amount of water needed for beneficial use.
3. The water is to be used during the following described annual period: January 1 – December 31.
4. The date of approval of Permit No. 2334A-3 is September 2, 2025.
5. The date from which applicant may claim right is March 24, 1995.
6. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. The well approved under Water Permit No. 2334A-2 is located near domestic wells and other wells which may obtain water from the same aquifer. Water withdrawals shall be controlled so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The permit holder shall report to the Chief Engineer annually the amount of water withdrawn from the Inyan Kara Aquifer.

WATER MANAGEMENT BOARD

By: Mark Mayer
Mark Mayer, PE
Director of Office of Water
Department of Agriculture and Natural Resources

10/27/25
date



RECEIVED

JUN 16 2025

FORM 2: Application for uses other than irrigation
(type or print)

OFFICE OF
WATER

PAID

JUN 13 2025

Ck# 306453

Rec't#

Mail to: SD DANR, Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. <u>2334A-2</u> Hydrologic Unit <u>10120111</u> Basin <u>Upper Cheyenne</u> Newspaper <u>Rapid City Journal</u> (office use only)
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Application for Permit to Appropriate Water in South Dakota

Check use(s) of water:

☐ Municipal
☐ Rural Water System
☐ Domestic (over 18 gpm)

☐ Water Distribution System
☐ Commercial
☒ Industrial

☐ Recreational
☐ Fish & Wildlife
☐ Other

☐ Institutional
☐ Geothermal

Type of Application: (check one)

☐ New
☐ Vested Right (Use predates Mar 2, 1955)
☐ Future Use Reservation
☒ Place to Beneficial Use Water Reserved by Future Use Permit No. _____
☒ Amendment/Correction to Permit No. 2334-2

Description of amendment/correction: (i.e. change diversion point(s), add diversion point(s), change use, etc.)

amend to change use from RWS to Industrial - following sale of well

- Name to Appear on Water Permit Croell, Inc.
Mailing Address P.O. Box 1352 Sundance WY 82729
(Address) (City) (State) (Zip Code)
Phone 307-283-2221 Mobile _____ Email bill.baxendale@croell.com
- Amount of water claimed 0.067 *CFS or 30 **GPM and 48.4 ***AF or 15,768,000 Gallons
Flow rate and volume are both required. (*Cubic Feet per Second) (**Gallons per Minute) (***Acre Feet - storage capacity of dam/dugout or annual use)
- Source of water supply one well (INKR)
- Location of point of diversion SW 1/4 NW 1/4 Sec 28-T2N-R8E County Pennington
(example - 3 wells in SW 1/4 NE 1/4 section 12-T104N-R53W)
If not a public water supply (e.g. municipal), will water be used outside of the area described above? ☐ Yes ☒ No
If "Yes," where will water be used? _____
(example - NW 1/4 section 12-T104N-R53W)
- County or counties where water will be used Pennington
- Annual period during which water is to be used Jan 1 - Dec 31
- Give a description of the project. When available include any preliminary engineering report or other reports or information that will help explain the project. (Attach sheet if more space is needed)
well did not produce sufficient water to supply RWS and was subsequently sold to Croell Redi Mix to be used for industrial concrete mixing

I, Brian Marchant
Name of PersonGeneral Manager, the applicant, certify under
Title (if applicable)

penalty of perjury that I have read this application, examined the attached map, and that the matters stated are true. I further certify, if acting on behalf of an entity or individual other than myself, that I am authorized to submit this application.

2021-08

Attachments: Attach Form 2A if diversion is from a well or dugout, or if storage of water is proposed. Also, attach map and any other technical information. (see instructions)

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JUN 16 2025

Form 2A
(Complete applicable portions only)

Supplemental Information

(type or print)

OFFICE OF
WATER1. Well Information (check one or both as applicable) ☐ Drilling new well(s) ☒ Using existing well(s)

- a) If new wells, how many _____ Have test holes been drilled? ☐ Yes ☐ No Drilled by _____
(if yes, please provide copies of logs)
- b) If existing wells, how many 1 Provide copy of log(s), if available. Drilled by _____

For either existing or proposed wells: (see 2334-2)

- c) Well Depth (required) _____ Depth to Top of Water Bearing Material _____ Depth to Water from Surface _____
- d) Distance to nearest domestic well on applicant's property _____ Property owned by others _____

2. Wastewater Disposal System Information

- a) Type of System (i.e. septic tank, drain field) _____
- b) System Capacity (gallons) _____ Year Constructed _____
- c) Connected to the City of _____ Sanitary System

3. Dugout Information

- a) Surface Dimensions _____ Depth _____
- b) Depth to water (ground surface to water level) _____

4. Water Storage Dams

If the proposed water use system contains one or more storage dams, please furnish the information requested below for each dam. The locations of the dams need to be shown on the map submitted with the application.

- a) If a private engineering firm or government agency was involved in the design of this dam, please give their name and address:

- b) Freeboard _____
- c) Crest Width _____
Crest Length _____
- d) Height _____
- e) Primary Outlet Capacity _____

If pipe, diameter _____

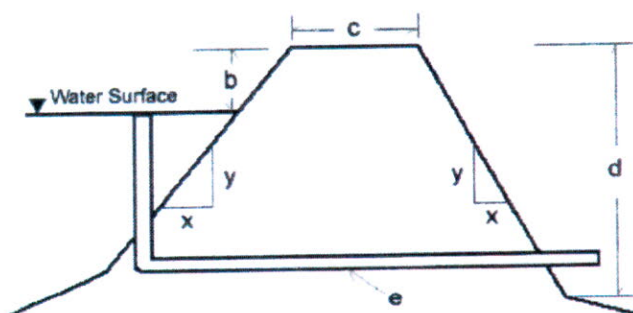
- f) Secondary Spillway Capacity _____
Spillway Width _____

- g) X & Y Slope (e.g. 3 to 1 is a typical slope)
Upstream _____
Downstream _____

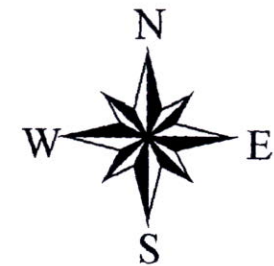
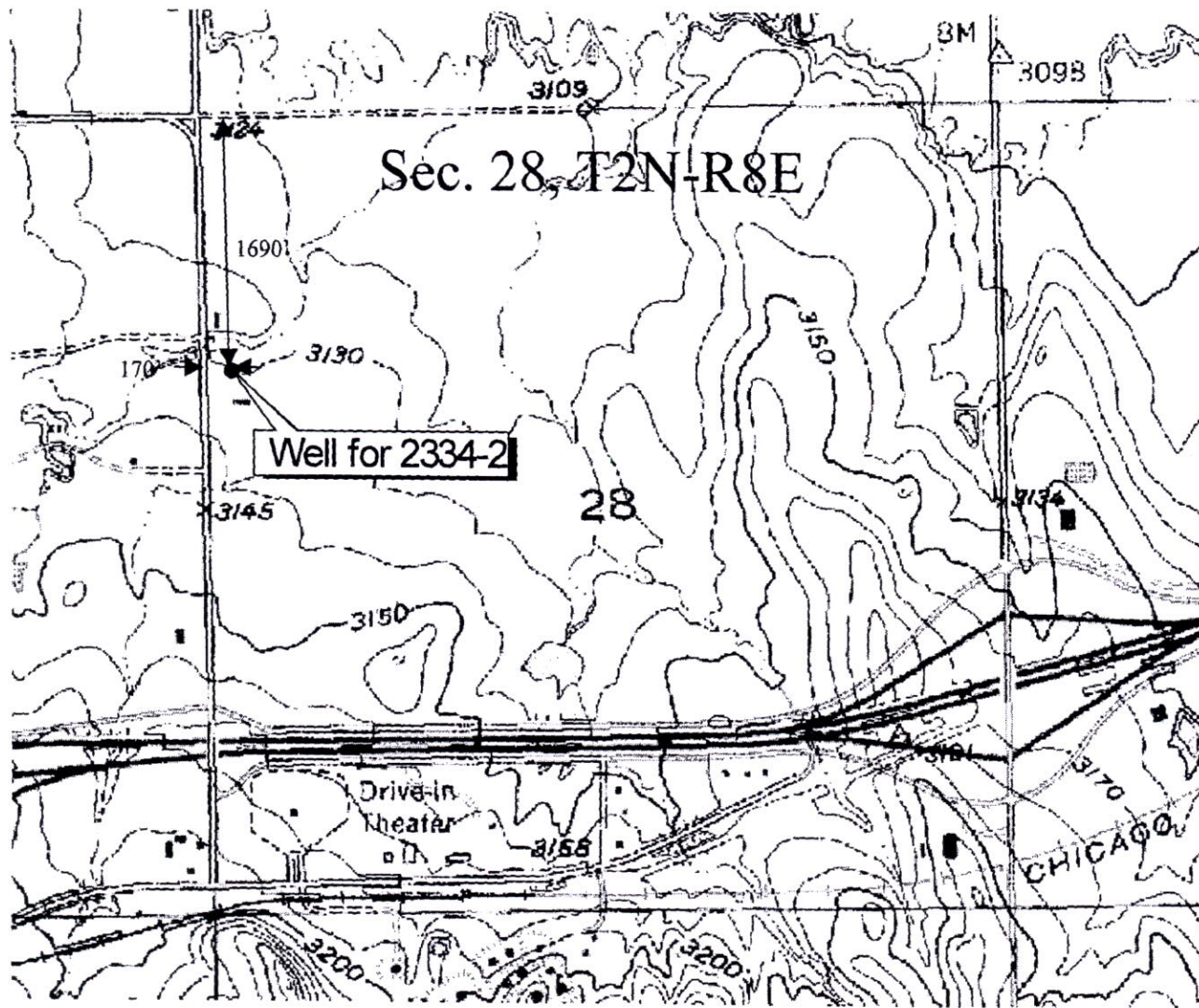
- h) Area of Impoundment _____

- i) Storage _____ Acre Feet

- j) Drainage Area Above Dam _____ Acres



Water Right No. 2334-2



Ken Buhler
Natural Resources Engineer
Water Rights Program



2334-2

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JUN 16 2025

OFFICE OF
WATER

PAID

JUN 13 2025

Ck# 306453

Rec't#

NOTICE OF TRANSFER OF OWNERSHIP

For assistance call (605) 773-3352

Mail to: SD DANR, Water Rights Program
523 E Capitol Ave
Pierre, SD 57501-3182

Water Right/Permit No. 2334-2

Date: 6-2-25

I/We request that Water Right/Permit No. 2334-2 formerly owned by:
GLM Land Corp - Rapid City SD be transferred to:

New Owner Name: Croell, Inc.
Address: P.O. Box 1352 mobile: 307-283-2221
City, State, Zip: Sundance WY 82729 email: bill.baxendale@croell.com

Title to the following described land(s)/property has been transferred as described above:

1 well - SW 1/4 NW 1/4 Section 28-T2N-R8E

☒ I understand that the validity of Water Right/Permit No. 2334-2 has not been determined by this transfer action. If I have any questions on validity, I understand that only the Water Management Board has the authority to determine if a water right/permit is valid (see note below).

You are requested to file this "Notice of Transfer" in the appropriate file with the Water Rights Program, as evidence of the change of ownership.

A fee of Fifty Dollars (\$50.00) is included to cover the filing fee as required by SDCL 46-2-13.

I, Brian Marchant, the new owner, certify that the above information is true and correct.

 6M West Croell
(signed by new owner)

NOTE: Water permits may be cancelled for nonconstruction after the five-year construction period has expired. Once a water permit is developed, an inspection is conducted to issue a water right license for the project as developed. A water permit/right may be cancelled for one or more of the following reasons:

1. Abandonment - no intent to use water and use is abandoned.
2. Forfeiture - no use of water for three-year period without legal excuse.
3. For a third violation of a condition of a water permit/right.

RECEIPT

WATER RIGHTS PROGRAM South Dakota Department of Agriculture and Natural Resources

Date June 16th, 2025

RECEIVED OF Croell Redi Mix PO Box 430 New Hampton IA 50659

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

Fee for Application for Permit No. <u>2334A-2</u> to Appropriate Water, to construct and to put water to beneficial use	\$ <u>300.00</u>
Fee for Application for Permit No. _____ to Appropriate Water for Future use	\$ _____
Fee to retain Future Use Permit No. _____ after period of seven years.	\$ _____
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>300.00</u>

By Mark Mayne
Chief Engineer

RECEIPT

WATER RIGHTS PROGRAM South Dakota Department of Agriculture and Natural Resources

Date June 16th, 2025

RECEIVED OF Cross, Inc PO Box 1352 Sundance WY 82729

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.	\$ _____
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____	\$ _____
Fee for Filing Transfer Form <u>#2334-2</u>	<u>\$50.00</u>
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>\$50.00</u>

By Mark Mauph
Chief Engineer



**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. 2334A-2, Croell Redi Mix**

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. 2334A-2, Croell Redi Mix, PO Box 1352, Sundance WY 82729.

The Acting Chief Engineer is recommending APPROVAL of Application No. 2334A-2 because 1) the proposed amendment will not unlawfully impair existing domestic water uses and water rights, 2) the proposed use is a beneficial use and 3) it is in the public interest as it pertains to matters of public interest within the regulatory authority of the Water Management Board with the following qualifications:

1. The well approved under Water Permit No. 2334A-2 is located near domestic wells and other wells which may obtain water from the same aquifer. Water withdrawals shall be controlled so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The permit holder shall report to the Chief Engineer annually the amount of water withdrawn from the Inyan Kara Aquifer.

See report on application for additional information.

Mark Mayer, PE
Director of Office of Water
August 13, 2025

Report to the Chief Engineer
Water Permit Application No. 2334A-2
Croell, Inc.
August 7, 2025

Water Permit Application No. 2334A-2 proposes to amend Water Right No. 2334-2 by changing the water use from rural water system purposes to industrial use. Water Right No. 2334-2 appropriates 0.067 cubic feet of water per second (cfs) from one well completed into the Inyan Kara aquifer (1,810 feet deep) located in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 28, T2N-R8E for rural water system use. This application proposes to change the use of water from the existing well to be from rural water system use to industrial use, with no increase in the 0.067 cfs diversion rate. This site is located in Pennington County, in the northeastern city limits of Rapid City, South Dakota.

Background

Water Right No. 2334-2 authorizes the diversion of 0.067 cfs from one well completed into the Inyan Kara aquifer, held by GLM Land Corp until recently when the well was sold to Croell Redi Mix and is now being used for industrial purposes at the mixing site. GLM Land Corp was a rural water service providing water to nine businesses, two or three houses, and a few horses (Water Rights, 2025a). A representative of GLM Land Corp stated that the well did not produce as consistently as expected, and many of the businesses and homes have connected to Rapid City water. The ownership of Water Right No. 2334-2 was transferred to Croell Redi Mix, and this application is requesting an amendment for change in use.

Water Source: Inyan Kara (INKR) aquifer

Description of aquifer

The Inyan Kara aquifer is the saturated and permeable materials of the Lower Cretaceous-aged Inyan Kara group, consisting of fluvial sandstone deposits. The Inyan Kara group is composed of several formations, but in South Dakota the primary two are the Lakota formation, making up approximately the lower two-thirds, and the Fall River formation, which comprises the upper one-third (Fahrenbach et al., 2010; Gott et al., 1974). The Lakota formation is sandstone, mudstone and shale and the Fall River formation is sandstone interbedded with gray shale near the top (Redden and DeWitt, 2008).

The Lower Cretaceous-aged Lakota and Fall River formations underlie most of the northern Great Plains in parts of Montana, North Dakota, Wyoming, South Dakota, and into Canada (Downey, 1986). The Inyan Kara aquifer is aerially extensive and is estimated to hold 84.7 million acre-feet of recoverable water in storage in the Black Hills area alone (Carter et al., 2002). In South Dakota, the Inyan Kara group is found west and east of the Missouri River, approximately 23 million acres in the west and 6.4 million acres in the east (Allen et al., 1985; Fahrenbach, et al., 2010; Hedges et al., 1982). Active South Dakota water rights/permits appropriating water from the Inyan Kara aquifer are generally located in the Black Hills and west-central region, and in the north-central part of the state between the Missouri and James Rivers (Water Rights, 2025a).

The Inyan Kara group outcrops in a ring around the Black Hills and the Lakota and Fall River formations form the major hogback beyond the Red Valley. Water in the aquifer moves radially outward from the outcrops, and water movement direction generally becomes more variable further from the outcrops (Carter et al., 2002; Redden and DeWitt, 2008).

The Inyan Kara aquifer has historically been called the “Sundance” by well drillers in the north-central part of the state. However, it should not be confused with the Sundance aquifer as defined by the Water Rights Program or the Sundance formation, which is a separate formation and acts as an aquifer in certain areas of the Black Hills.

Between the water right/permit file database and the well completion report database there are inconsistencies regarding the existing Inyan Kara well that is associated with Water Right No. 2334-2. There is a well completion report as part of the file for Water Right No. 2334-2 with the same driller and location; however, the reported depth is not the same. The same well completion report is also associated with Water Right No. 1790-2, located one mile southwest. It is possible that the following well log description is for the well associated with Water Right No. 2334-2 (Water Rights, 2025a and 2025b).

The well log states “Topsoil + Clay” from 0 to 28 feet below grade, “Shale” from 28 to 1,124 feet below grade, “Greenhorn” from 1,124 to 1,150 feet below grade, “Mowry” from 1,150 to 1,594 feet below grade, “LK Sand” from 1,594 to 1,640 feet below grade, and “Morrison” from 1,640 to 1,648 feet below grade. The bottom of the casing was set at 1,648 feet below grade and it was noted the well was completed into the Lakota which is labeled as “LK Sand” on the well completion report. The water level at the time of drilling (June 28, 1973) was 60 feet below the surface. The thickness of saturated aquifer material from well logs within a mile of the existing well site range from approximately 45 to 160 feet, and the general hydraulic head of wells near the existing well site is around 1,500 feet (Water Rights, 2025a and 2025b).

The Inyan Kara aquifer is primarily under confined conditions, except where the aquifer outcrops in the Black Hills (Driscoll and Carter, 2001; Water Rights, 2025b and 2025d). Based on nearby well completion reports for other Inyan Kara aquifer appropriative rights, the Inyan Kara aquifer is confined near the existing well site for this application. Under confined conditions, water in a well will rise above the top of the aquifer, and flowing wells result when the well is drilled in areas where the water level is above the land surface (Driscoll et al., 2002).

South Dakota Codified Law (SDCL) 46-2A-12

“An amendment of an existing permit or license may be granted for a change in use, a change in point of diversion or other change only if the change does not unlawfully impair existing rights and is for a beneficial use and in the public interest.”

This application is to amend an existing water right for a change in use with no increase in the diversion rate or the amount of water appropriated. Therefore, water availability is not an issue. This report will determine the potential for the change in use to unlawfully impair existing rights. However,

for the information of the Chief Engineer and the Water Management Board (WMB), this report will include an analysis of groundwater availability pursuant to SDCL 46-6-3.1.

Water Availability: Observation Well Analysis

Administrative Rule of South Dakota (ARSD) 74:02:05:07 requires that the Water Management Board shall rely upon the record of observation well measurements in addition to other data to determine that the quantity of water withdrawn annually from the aquifer does not exceed the estimated average annual recharge of the aquifer.

The DANR Water Rights Program monitors nine observation wells completed into the Inyan Kara aquifer, eight of which are completed around the Black Hills, and one that is east of the Missouri River. The nearest observation wells to the existing well this application proposes to use are PE-95E (approximately 2.7 miles northwest) and PE-95B (approximately 4.8 miles southwest) (Water Rights, 2025d). Hydrographs for these wells are shown on **Figure 1** below. The Inyan Kara is primarily a confined aquifer, and the static water levels shown in the hydrographs represent the pressurized water level, also called the hydraulic head or artesian head pressure.

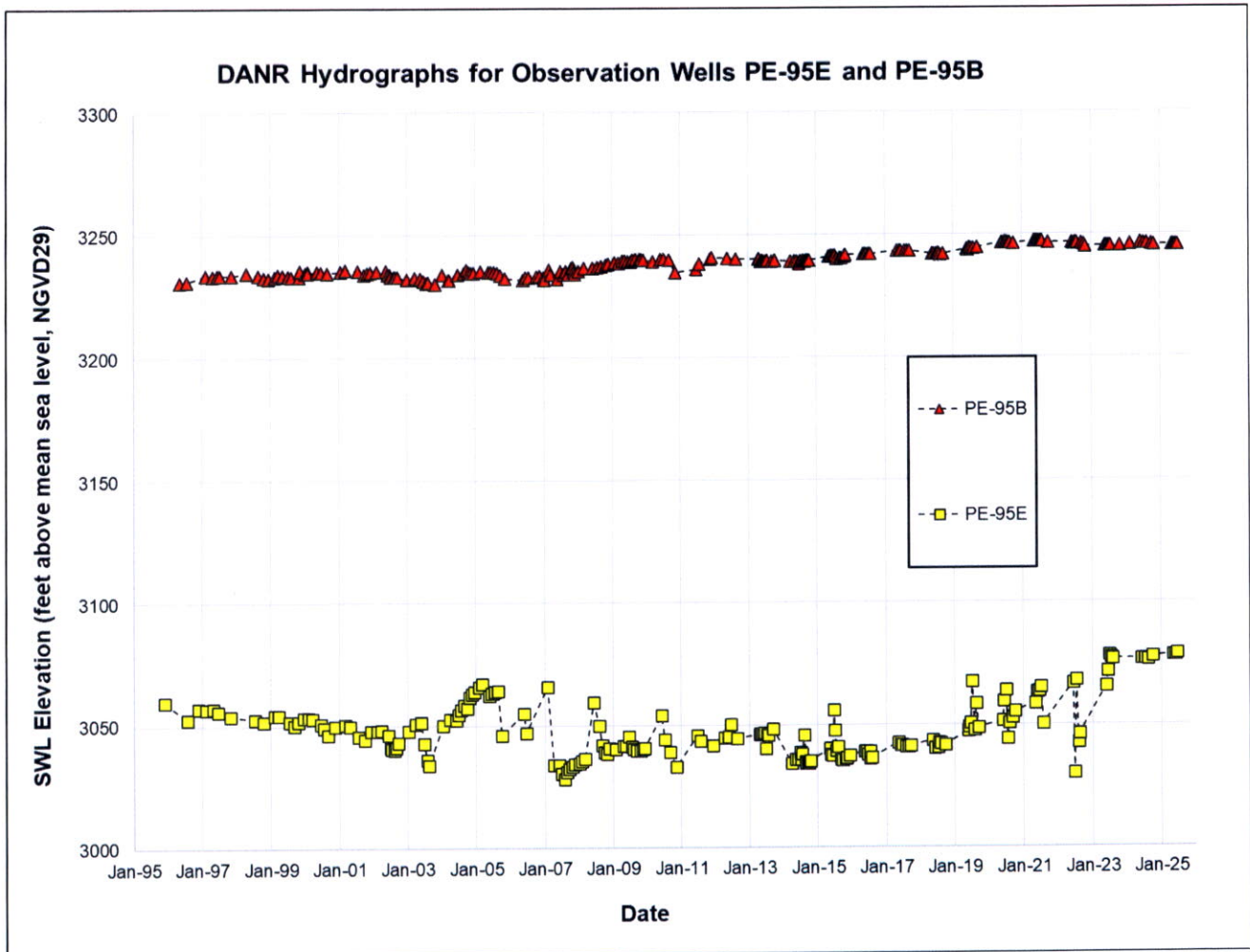


Figure 1. Hydrographs for DANR observation wells PE-95E and PE-95B (Water Rights, 2025d).

The Inyan Kara group is found approximately 535 feet below grade at observation well PE-95B (2,690 feet mean sea level [fmsl] NGVD29) and approximately 1,080 feet below grade at observation well PE-95E (2,155 fmsl NGVD29). Considering the water levels shown in **Figure 1**, even at the lowest recorded water levels for each well, there was still 540 feet and 875 feet of head pressure in the respective wells. PE-95B is a flowing well and water is pressurized to a height above the casing of the well (Water Rights, 2025d).

While Inyan Kara observation wells in the Black Hills show generally stable or rising water levels over their respective periods of record, observation well ED-85B in Edmunds County shows long-term decline. Water levels start relatively stable, declined slowly from 1999 to approximately 2015, and then started stabilizing again. There are numerous wells completed into the Inyan Kara aquifer that are uncontrolled flowing wells and/or have corroded or inadequate casing (Water Rights, 2025a and 2025b). The decline in head for ED-85B is likely due to development of Inyan Kara wells and uncontrolled flowing wells in this area.

A decline in water levels in a confined aquifer does not necessarily indicate a significant decrease in water stored in a confined aquifer, since the water level above the top of the aquifer formation is a representation of the hydraulic head. It is probable that the aquifer hydraulic head in the area around ED-85B will eventually reach a static equilibrium as the aquifer experiences free flowing wells, corroded well casings allowing water to flow to adjacent aquifers, and pumping. The head of the aquifer will likely decline until it is equal to the hydraulic head of the lowest-pressure aquifer that the Inyan Kara aquifer leaks into.

The hydrographs in **Figure 1** show stable to increasing water levels over their periods of record. Water levels return to pre-pumped levels in the spring due to spring snowmelt and rain. In other words, the aquifer consistently recovers to stable levels. The hydrographs reflect climatic conditions, particularly for PE-95E which shows rising levels in the early 2000s and declining levels in the mid- to late 2000s, and then overall rising water levels in the late 2010s and into the 2020s. In South Dakota, there were wetter conditions in the 1990's and drier conditions in the early 2000s, early to mid- 2010s, and from approximately 2020 to 2023 (NIDIS, 2025). Because the aquifer near the existing well site for this application is fluctuating and then stabilizing in response to local pumping and still shows water level changes in line with climate on short- and long- term timescales, recharge to and natural discharge from the aquifer govern the changes in the water levels.

Water Availability: Recharge

The recharge areas for the Inyan Kara aquifer in South Dakota are largely in the Black Hills where there are outcrops to receive direct precipitation. Because the aquifer extends in the subsurface under the adjacent plains, the Black Hills is the source of recharge over a large area in western South Dakota (Redden and DeWitt, 2008). The outcrop area of the Inyan Kara aquifer in the Black Hills, South Dakota is estimated to be 219,700 acres with a total estimated precipitation-only recharge of 11,600 acre-feet per year (Driscoll and Carter, 2001). This estimate does not account for leakage from underlying aquifers, or precipitation recharge in areas that were not included in the model study area (Driscoll and Carter, 2001).

The Inyan Kara aquifer may also receive recharge from upward leakage from underlying aquifers (Driscoll et al., 2002), or inflow of groundwater from deeper aquifers through uncased or cratered wells, or other natural conduits to the Inyan Kara group (Gott et al., 1974). Bredehoeft et al. (1983) attempted to model flows between the different aquifers. The model estimated that approximately 22.7 cfs or 16,000 acre-feet per year flows from the Madison group to the Inyan Kara aquifer. It should be noted the Madison Group as described in Bredehoeft et al. (1983) which is frequently taken from older studies, describes a portion of the Madison Group primarily in eastern South Dakota where it, the Inyan Kara Group and Dakota-Newcastle sandstone, can blend together at the eastern extents of the Madison and Inyan Kara groups. In the Black Hills area, the Madison Group is geologically separated from the Dakota-Newcastle Sandstone described in Bredehoeft et al. (1983) by several aquifers and impermeable shales, some of which were lumped into the Madison Group description in Bredehoeft et al. (1983) (Fahrenbach et al., 2010). While the models rely on dated information and assumptions, this is currently the only available estimate of recharge to the Inyan Kara aquifer from underlying aquifers. Collectively, the estimated average annual recharge to the Inyan Kara aquifer in South Dakota is 27,600 acre-feet per year (Bredehoeft et al., 1983; Driscoll and Carter, 2001).

Water Availability: Discharge

Discharge from the Inyan Kara aquifer is from leakage to adjacent aquifers or hydrologically connected surface water features, regional groundwater outflow east of the Black Hills, evapotranspiration where the aquifer is at or near land surface, uncontrolled flowing wells, and well withdrawals (Driscoll and Carter, 2001; Water Rights, 2025a). The impermeable Skull Creek Shale separates the Inyan Kara aquifer from the overlying Dakota formation except in eastern South Dakota where the shale is not present, and water in the Inyan Kara aquifer may move to the Dakota aquifer (Fahrenbach et al., 2010; Bredehoeft et al., 1983).

Uncontrolled flowing wells discharge water from the Inyan Kara aquifer at ground surface, or to overlying aquifers where the well has experienced casing failure. It is not currently known how much water is being discharged from uncontrolled wells.

There are currently 212 active water rights/permits appropriating water, one future use permit reserving water, and one application held in abeyance proposing to appropriate water from the Inyan Kara aquifer (Water Rights, 2025a). Application No. 2334A-2 is for the amendment of an existing water right (No. 2334-2), therefore is already included in the hydrologic budget.

Water Permit Application No. 2686-2 for Powertech (USA), Inc. is being held in abeyance pending action on federal permits and proposes to appropriate 274.2 acre-feet per year. Future Use Permit No. 1780-2 for the Town of New Underwood reserves 142 acre-feet per year. For the hydrologic budget, it will be assumed that water reserved by the future use permit and the proposed appropriation by Application No. 2686-2 will be fully developed.

Of the 212 active water rights/permits, 15 are primarily for irrigation use. Irrigation water rights/permits have typically been required to report annual usage on an irrigation questionnaire since 1979; however, reported irrigation data is only available since 1982 for the Inyan Kara aquifer. **Table 1**

lists the number of active permits and the annual reported use for each year since 1982. The average reported withdrawals for the years 1982 to 2023 is approximately 81 acre-feet per year. The average reported withdrawals for the years 2014 to 2023 is approximately 115 acre-feet per year. To reflect the current development of irrigation water rights/permits, the average reported withdrawals for irrigation appropriations from 2014 to 2023 will be used for the hydrologic budget (Water Rights, 2025c).

Looking at **Table 1** there are only 10 water rights/permits that reported in 2023 when 15 are currently active. Water Right No. 380-2 stopped reporting in 1986, No. 466-1 stopped reporting in 1996, No. 990-2 stopped reporting in 1995, and No. 2426-2 has never reported. Water Permit No. 8334-3 is not required to submit an irrigation questionnaire and instead reports annual use to the Chief Engineer with the non-irrigation questionnaires. Water Right No. 466-1 states in the file that the Inyan Kara well was flowing at 100 gallons per minute in 1985. Assuming that the well is flowing uncontrolled year-round at that rate, Water Right No. 466-1 is assumed to withdraw 160 acre-feet per year. Additionally, Water Right No. 803-2 wasn't reporting from 2002 through 2022, and Water Permit No. 8455-3 is within its construction period and has not reported withdrawals yet. For Water Right Nos. 380-2, 990-2, 2426-2 and 803-2, and Water Permit No. 8455-3, they are assumed to apply 12 inches of water per permitted acre. Generally, irrigators in South Dakota apply less than one foot of water per acre per year. To account for fluctuations in wet and dry years, the one foot of water per acre per year application rate will be used to somewhat overestimate the annual withdrawal rate for the five permits listed above. The estimated average annual water use by irrigation water rights/permits from the Inyan Kara aquifer is approximately 430 acre-feet per year (315 acre-feet for non-reporting, plus 115 acre-feet for reporting).

Table 1. Reported historic irrigation use from the Inyan Kara aquifer (Water Rights, 2025c).

Year	No. Permits	Annual Reported Use (ac-ft)	Year	No. Permits	Annual Reported Use (ac-ft)
1982	5	3	2003	6	112
1983	7	33	2004	7	143
1984	8	5	2005	7	133
1985	8	225	2006	8	136
1986	7	4	2007	8	142
1987	6	38	2008	9	131
1988	6	54	2009	9	99
1989	8	19	2010	9	113
1990	8	34	2011	9	130
1991	9	25	2012	9	189
1992	9	26	2013	9	146
1993	9	36	2014	9	112
1994	9	31	2015	7	106
1995	10	37	2016	7	178
1996	8	20	2017	8	184
1997	8	6	2018	9	100
1998	8	21	2019	10	71
1999	6	14	2020	11	95
2000	6	25	2021	11	114
2001	6	53	2022	10	97
2002	7	88	2023	10	97
Average annual reported use 1982-2023			81 acre-feet		
Average annual reported use 2014-2023			115 acre-feet		
Average no. permits 1982-2023			8		
Average no. permits 2014-2023			9		

Of the 212 active water rights/permits, 197 are primarily for a non-irrigation use. Of the 197 water rights/permits that are for a non-irrigation use, 16 are currently used for concentrated animal feeding operations (CAFOs). This information was found by searching the SD DANR CAFO permitting database (2025) for that specific water right/permit number. The annual use for these permits was estimated by multiplying the number of permitted animals by the average daily use for each type of animal permitted (Meehan et al., 2021; Water Rights, 2025a).

Water Right Nos. 2252-2 and 6628-3 had their CAFO permitting terminated. Water Right No. 7209-3 is not on the CAFO permitting database although it is included in previous reports, and Water Permit No. 8197-3 is no longer a feedlot (CAFO Permitting Database, 2025; Water Rights, 2025a). For these four water rights/permits, annual use will be quantified with the other non-irrigation water rights that are not used for a CAFO. Water Permit No. 8607-3 is an active feedlot but is not included on **Table 2**; they are required to report to the Chief Engineer and their use will be quantified with those water rights/permits instead. The total estimated annual use for CAFO water rights/permits using the above method is 1,665 acre-feet per year.

Table 2. Estimated annual water use for active Inyan Kara CAFO water rights/permits (CAFO Permitting Database, 2025; Water Rights, 2025a).

Water Permit No.	Name	Feedlot Status	Animal Type	Annual Estimated Use (acre-feet)
4965-3	Dakota Feeding Company LLC	Active	Beef Cattle	168
2178-2	Fall River Feed Yard LLC	Active	Beef Cattle	280
5879-3	Danbred Production Partnership	Active	Beef Cattle	49
6011-3	Plainview Colony	Active	Multi	81
6091-3	Brentwood Colony	Active	Multi	50
6376-3	LDL Cattle Company	Active	Beef Cattle	112
6377-3				
6619-3	Werdel & SonsW	Active	Beef Cattle	112
6851-3	Todd Cowan	Active	Beef Cattle	46
7034-3	Vogel & Sautner Farms	Active	Beef Cattle	45
5032-3	Marshall Farms	Active	Dairy Cattle	488
5890-3	Evergreen Colony	Active	Multi	45
6128-3	Deerfield Huttrn Brethren	Active	Multi	52
6257-3	Thunderbird Colony	Active	Multi	84
7098-3	Mike & Jesse Fuller	Active	Multi	53
TOTAL				1,665

Of the 197 active water rights/permits that are for a non-irrigation use, 11 are currently known by DANR to purchase water from a rural water system/supplied by a municipality, or maintain their wells on standby or backup use, in accordance with ARSD 74:02:01:37.02 (Friedeman and Hullinger, 2025; Water Rights, 2025a). Past practice of the Water Rights Program has been to assume negligible use for these water rights/permits. **Table 3** below lists the 11 water rights/permits that will be assumed to use zero acre-feet of water per year.

Water Right No. 2279-3 for Camelot Land is supplied by the City of Pierre; however, the well is still used for lawn watering, geothermal uses, and as a backup water supply (Water Rights, 2025a). Therefore, its use will be quantified with the other non-irrigation water rights/permits.

Water Right No. 6735-3 for the City of Eureka purchases some, but not all of their water from WEB (Drinking Water Program, 2025). Its use will be quantified with the other non-irrigation water rights/permits.

Table 3. Non-irrigation water rights/permits currently known to be served by another system or maintain wells for standby/backup and are assumed to have negligible use (Drinking Water Program, 2025; Water Rights, 2025a).

Permit No.	Name	Use Type	Current status	Source
473-1	Town of Fruitdale	MUN	Served by Butte-Meade SWD	Drinking Water Program, 2025
595-3	City of Onida	MUN	Served by Mid-Dakota RWS	Drinking Water Program, 2025
1198-3	Town of Mound City	MUN	Served by WEB Water Dev. Assoc.	Drinking Water Program, 2025
1195-1	American Colloid Company	IND	Backup water supply	Water Rights, 2025a
1338-1	Black Hills Petrified Forest	COM	Maintained on standby	Water Rights, 2025a
1712-3	City of Ipswich	MUN	Served by WEB Water Dev. Assoc.	Drinking Water Program, 2025
2442-2	Rainbow Water Co. Inc.	SHD	Served by Rapid City	Friedeman and Hullinger, 2025
2263-2	Town of Belvidere	MUN	Served by West River/Lyman-Jones RWS	Friedeman and Hullinger, 2025
1647-2	Town of Quinn	MUN	Served by West River/Lyman-Jones RWS	Friedeman and Hullinger, 2025
2224-3	Sunshine Acres Water System	SHD	Served by rural water	Friedeman and Hullinger, 2025
1360-2	Aladdin Investments Inc	SHD	Served by rural water	Friedeman and Hullinger, 2025
SWD: Sanitary Water District, RWS: Rural Water System, MUN: Municipal, IND: Industrial, COM: Commercial, SHD: Suburban Housing Development				

The DANR Drinking Water Program requires public water systems to report their annual average production rate. The reported average production in gallons per day (found on their drinking water annual report) can be converted to acre-feet per year for a typical annual use estimate. This data is only being used for the water rights/permits that are not required to report annual use to the Chief Engineer and, if the Inyan Kara aquifer is their only source of water. Of the 197 active water rights/permits that are for a non-irrigation use, 17 water rights meet the above qualifications to use this data for the budget. **Table 4** lists those water rights that had their use quantified with data from the Drinking Water Program annual report. The total estimated use from these 17 water rights/permits is approximately 350 acre-feet per year.

Table 4. Typical use for public water systems that had their average annual use quantified using the DANR Drinking Water Program production rate data (Drinking Water Program, 2025; Water Rights, 2025a).

Permit No.	Name	Use Type	Estimated annual use (ac-ft)
716-1	City of Newell	MUN	50
731-1		MUN	
1793-1	Autumn Meadows Sanitary District	SHD	4
1597-1	Crooked Oaks Canyon Homeowners	SHD	4
2448-2	Heartland Country Ranchettes	SHD	7
1861-1	Horseshoe Acres Water Association	SHD	16
1278-2	Lakeside Water Users District	RWS	68
1656-1	Lofty Pines Homeowners	SHD	4
2268-2	Prairie Acres LLC	SHD	22
794-2	Town of Buffalo Gap	MUN	13
660-2	Town of New Underwood	MUN	55
1947-2		MUN	
366-1	Town of Nisland	MUN	17
927-1	St Onge Sewer & Water Co.	MUN	21
1799-1	Deep Water LLC (Dry Creek Estates)	SHD	21
2425-2	Country Road Estates LLC	SHD	7
2414-2	Signature Water Co LLC (Ranch at Black Gap)	SHD	44
TOTAL			354
MUN: Municipal, SHD: Suburban Housing Development, RWS: Rural Water System			

Of the 197 active water rights/permits that are for a non-irrigation use, 48 are required to report their annual use from the Inyan Kara aquifer to the Chief Engineer (Water Rights, 2025e). To get a representative average of water use, the Water Rights Program have historically used at least 10 years of reported data (years 2015 to 2024) or data that has slightly less than ten years reporting but consistent use volumes. Water rights/permits which do not have adequate data or are still in their construction periods were assumed to use their authorized annual volume of water. **Table 5** below lists those Water Rights/Permits which are required to report to the Chief Engineer. The total estimated annual use from **Table 5** is approximately 3,900 acre-feet per year.

Water Permit No. 8334-3 for Gettysburg County Club is for irrigation use but is included on **Table 5** as previously mentioned. Water Permit No. 8607-3 for Spring Creek Hutterian Brethren is an active feedlot but is also included on **Table 5** as previously mentioned. Water Right/Permit Nos. 1975-1, 1975A-1, and 1855-1 for Wink Cattle Co. have had reporting inconsistencies in the past (Drennon, 2024) and Water Permit No. 1975A-1 contains Findings of Fact in its file which state that use from all three water permits shall not exceed 57.2 acre-feet per year. Therefore, it will be assumed that Wink Cattle Co. uses their full authorized volume each year (Water Rights, 2025a).

Table 5. Annual estimated withdrawals from water rights/permits required to report to the Chief Engineer (Water Rights 2025a and 2025e).

Permit No.	Name	Status	Authorized Rate (cfs)	Authorized annual volume (ac-ft)	Method	Average Yearly Use (ac-ft)
2165-2	Tightline Lake Estates HOA	LC	0.070	N/A	Average Reported	8.62
1982-1	Dennis Miller	PE	0.333	120	Authorized Volume	120
2754-2	Steve Simunek	LC	0.100	N/A	Average Reported	16
2778-2	Western Construction Inc	PE	0.170	31	Authorized Volume	31
1975-1		PE	0.069	N/A		
1975A-1	Wink Cattle Co	PE	0.000	N/A	Authorized Volume	57.2
1855-1		LC	0.087	N/A		
8607-3	Spring Creek Httn Brth Inc	PE	0.220	100	Authorized Volume	100
8635-3	Big Watt Digital SD LLC	PE	0.890	76.7	Authorized Volume	76.7
1903-1	Castle Rock Group	LC	0.110	N/A	Average Reported	18.6
8420-3	Vogel Farms Ptr	PE	0.120	88.7	Authorized Volume	88.7
1983-1	Continental Resources	PE	0.500	360	Authorized Volume	360
8299-3	Aberdeen Energy LIC	PE	1.330	968	Authorized Volume	968
1989-1	Luff Exploration Company	PE	0.100	58.8	Authorized Volume	58.8
2550-2	Town of Hermosa	LC	0.220	162	Average Reported	55
2596-2	City of Wall	LC	0.600	261	Average Reported	174
1906-1		LC	0.222	N/A		
1958-1	City of Sturgis	LC	0.088	8.1	Average Reported	2.7
2285A-2		LC	0.560	N/A		
2464-2		LC	0.760	360		
2465-2	West River Lyman Jones RWS	LC	1.000	360	Average Reported	476
2797-2		LC	1.000	455		
1874-1		LC	0.212	N/A		
1898-1	Viewfield Rural Water Assoc Inc	LC	0.394	N/A	Average Reported	60
2622-2	Owanka Rural Water Assoc Inc	LC	0.390	N/A	Average Reported	27.6
2538-2	JKRK Properties LLC	PE	0.244	N/A	Average Reported	22
2752-2		PE	0.330	170		
2752A-2	Southern Black Hills Water System	PE	0.000	N/A	Average Reported (2024-2016)	26
2543-2		LC	0.190	N/A		
2819-2		PE	0.090	24.6	Authorized Volume	24.6
2635-2	Fall River Water Users District	LC	0.100	N/A	Average Reported	21
1826-1	Golden Valley Water Company LLC	LC	0.267	N/A	Average Reported	27
1837-1	Guy Mann	LC	0.220	N/A	Average Reported	6
1846-1	Dennis or Anna Mae Beckham	LC	0.100	N/A	Average Reported	0.86
2601-2	Grandview Land LLC	LC	0.330	206.0	Average Reported (2024-2017)	3.3
1920-1	Elk Valley Ranchettes HOA	LC	0.100	N/A	Average Reported	6.6
1968-1	Venekamps LLC	LC	0.110	29	Authorized Volume	29
1996-1	Dylan Gingras	PE	0.133	48	Authorized Volume	48
1999-1	Rafter Properties LLC	PE	0.170	74	Authorized Volume	74
2832-2	Reel Simple LLC	PE	0.044	10	Authorized Volume	10
2032-1	Elk Creek Developers LLC	PE	N/A	30	Authorized Volume	30
8334-3	Gettysburg Country Club	PE	0.180	N/A	Average Reported (2024-2018)	26
1857-1	Shade Valley Inc	LC	0.330	N/A	Average Reported	0.7
1645-2	Hermosa Water Users Assoc	LC	0.600	N/A	Average Reported	170
2841-2	Hwy 79 LLC	PE	0.890	217.9	Authorized Volume	217.9
2830-2	Weinreis Brothers	PE	0.330	160	Authorized Volume	160
8787-3	Cheryl E Nelson	PE	0.620	225	Authorized Volume	225
8197A-3		PE				
8197-3	Mina North LLC	PE	0.160	72.1	Authorized Volume	72.1
TOTAL						3,898

The remaining 105 non-irrigation water rights/permits are not required to report to the Chief Engineer and do not meet the qualifications to use production data reported to the Drinking Water Program. These water rights/permits are estimated for average annual use in one of two ways: water rights/permits limited by an annual volume are assumed to pump the entire volume, or water rights limited only by a diversion rate have historically been assumed to pump 60% of the time throughout the year at that rate. These are standard methods used by the Water Rights Program to estimate annual use by non-irrigation water rights/permits that do not have reported data (Water Rights, 2025a). The total estimated annual use for these remaining 105 non-irrigation water rights/permits is approximately 7,400 acre-feet per year.

There are well completion reports for wells completed into the Inyan Kara aquifer that do not require a water permit (domestic, livestock, etc.). Due to their relatively low diversion rates and the availability of public water systems, particularly rural water systems, withdrawals from domestic wells are not considered to be a significant portion of the hydrologic budget for the Inyan Kara aquifer.

Water Availability: Summary

Recharge to the Inyan Kara aquifer is estimated to be 11,600 acre-feet per year from precipitation in the Black Hills of South Dakota (Driscoll and Carter, 2001), plus 16,000 acre-feet per year is the estimated recharge from underlying aquifers (Bredehoeft et al., 1983). The estimated average annual withdrawal from the Inyan Kara aquifer is approximately 14,161 acre-feet. The Inyan Kara aquifer is a major bedrock aquifer in South Dakota and is estimated to hold 84.7 million acre-feet in storage (Carter et al., 2002). The estimated withdrawals are close to the precipitation recharge component alone for the aquifer. There is a reasonable probability that water is available for appropriation. **Table 6** below is a summary of estimated withdrawals from active Inyan Kara water rights/permits.

Table 6. Summary of annual withdrawal estimates for the Inyan Kara aquifer (Water Rights, 2025a, 2025c, 2025d; CAFO Permitting Database, 2025; Drinking Water Program, 2025; Friedeman and Hullinger, 2025).

Type	No. Permits	Ac-ft / Year
Application No. 2686-2	1	274.2
Future Use Permit No. 1780-2	1	142
Irrigation	15	430
Non-Irrigation, CAFO	16	1,665
Non Irrigation, assume negligible use	11	0
Non Irrigation, Drinking Water Program data	17	350
Non Irrigation, report to Chief Engineer	48	3,900
Non Irrigation, do not report to Chief Engineer	105	7,400
TOTAL	214	14,161

Inyan Kara observation wells in the Black Hills show a history of water levels stabilizing in response to seasonal climate variation and pumping, and also from long-term climatic trends. This indicates that the aquifer in those areas is governed by natural recharge and discharge rather than effects from well withdrawals (Water Rights, 2025d). The exception to this is observation well ED-85B located east of the Missouri River which had a period of long-term decline until approximately 2015 (Water Rights, 2025d). The aquifer in this area will likely continue to stabilize as the hydraulic head reaches a static equilibrium in the area of ED-85B.

The WMB has previously determined that water being discharged from flowing wells completed into the Dakota aquifer is not a beneficial use and does not constitute appropriation pursuant to SDCL 46-6-3.1 (Water Rights, 1987). Any uncontrolled well water flowing to waste or any inadequately constructed or failing well casings allowing water to flow to overlying aquifers and formations, is also not likely to constitute as appropriation in the Inyan Kara aquifer. Discharge from uncontrolled wells is likely to continue until head pressure declines to where water levels are at or below ground surface or reach a static equilibrium. This means that allowing beneficial pumping to occur reduces the amount of water discharging to waste. Therefore, the WMB has allowed development of the Dakota aquifer to continue. This conclusion would also likely apply to the Inyan Kara aquifer which has similar hydrogeologic conditions across South Dakota.

For an amendment for change in use (SDCL 46-2A-12), water availability is not an issue. However, it was evaluated in this report for the information of the Chief Engineer and the Water Management Board.

Potential for Unlawful Impairment

Pursuant to SDCL 46-2A-12, an amendment of an existing permit for a change in use can be granted only if the change does not unlawfully impair existing rights.

The nearest water right/permit to the existing well completed into the Inyan Kara aquifer is Water Right No. 2051-2 held by CVRC Limited Partnership for two wells located approximately $\frac{3}{4}$ miles northwest (Water Rights, 2025a). The nearest domestic well on file with the Water Rights Program is located approximately one mile northwest (Water Rights, 2025b). There may be other domestic wells completed into the Inyan Kara aquifer near the diversion location that are not on file with the Water Rights Program. The location of domestic wells in the well completion report database are determined by the location listed by the driller at the time of well completion .

The Inyan Kara aquifer is under confined conditions at the applicant's well site. The saturated thickness of the aquifer near the existing well site ranges from 45 feet to 164 feet, with the water levels of the wells at the time of drilling having a head pressure of around 1,500 feet above the top of the aquifer materials (Water Rights, 2025a and 2025b). Since the aquifer is confined, drawdown can extend some distance from a well. However, the exact drawdown behavior cannot be determined without an aquifer performance test. The WMB recognizes that putting water to beneficial use requires a certain amount of drawdown to occur. The Board has developed rules to allow water to be placed to

maximum beneficial use without the necessity of maintaining artesian head pressure for domestic use. The WMB defined an “adversely impacted domestic well” in ARSD 74:02:04:20(7) as:

“A well in which the pump intake was set at least 20 feet below the top of the aquifer at the time of construction or, if the aquifer is less than 20 feet thick, is as near to the bottom of the aquifer as is practical and the water level of the aquifer has declined to a level that the pump will no longer deliver sufficient water for the well owner’s needs.”

The Water Management Board considered the delivery of water by artesian head pressure versus maximum beneficial use during the issuance of Water Right No. 2313-2 for Coca-Cola Bottling Company of the Black Hills (Water Rights, 1995). The Board adopted the Findings of Fact and Conclusions of Law that noted the reservation of artesian head pressure for delivery of water would be inconsistent with SDCL 46-1-4 which states that “general welfare requires that the water resources of the state be put to beneficial use to the fullest extent of which they are capable...” Furthermore, the Water Management Board found that if increased cost or decreased production as a result of impacts on artesian head pressure by legitimate users is to be considered as an unlawful impairment, it would also conflict with SDCL 46-1-4 (Water Rights, 1995). With that in mind, some existing well owners may need to install or lower pumps depending on the specific characteristics of the Inyan Kara aquifer at their location.

The existing well identified on this application has been operating since 1995 without complaints by nearby users with wells completed into the same aquifer (Water Rights, 2025f). The applicant stated that the previous owner of Water Right No. 2334-2 was having issues consistently producing water, and it appears that the nearby Water Right No. 2225-2 was also having production issues; however, it was documented to be a casing issue (Water Rights, 2025a). There have been other complaints about wells not producing and concerns about adverse impairment in Pennington County, but these complaints were in the late 1990’s and over 12 miles away from the well site for this application. It appears that the ill-producing wells in question at the time were completed into a different aquifer (Water Rights, 2025b and 2025f).

This amendment for a change in use is not requesting an increase in diversion rate, and the authorized diversion rate for Water Right No. 2334-2 is relatively low. There is a large amount of head pressure in the Inyan Kara aquifer at this location (generally 1,500 feet of head) which is also true in the nearby DANR observation wells, PE-95B and PE-95E (average of 550 feet and 900 feet throughout period of record) (Water Rights, 2025a, 2025b, 2025d). Consequently, there is a reasonable probability that any drawdown caused by this proposed diversion will not unlawfully impair nearby adequate wells completed into the Inyan Kara aquifer.

Conclusions

1. Water Permit Application No. 2334A-2 proposes to amend Water Right No. 2334-2 by changing the water use from rural water system purposes to industrial use.
2. Water Right No. 2334-2 appropriates a total of 0.067 cfs from one well completed into the Inyan Kara aquifer located in the SW ¼ NW ¼ of Section 28, T2N-R8E. This application proposes to change the water use type without increasing the diversion rate authority permitted under Water Right No. 2334-2.
3. The water has already been appropriated as authorized by Water Right No. 2334-2 and, therefore, water availability is not an issue.
4. The water use change amendment by Water Permit Application No. 2334A-2, if approved, will not unlawfully impair existing water rights/permits with adequate wells and adequate domestic wells.
5. A qualification to the permit, if approved, that the permit holder shall report to the Chief Engineer annually the amount of water withdrawn from the Inyan Kara aquifer is recommended.



Brittan R. Hullinger
Natural Resources Engineer II
SD DANR Water Rights Program

Reviewed by:



Adam Mathiowetz, P.E.
Natural Resources Engineer IV
SD DANR Water Rights Program

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**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
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PIERRE SD 57501-3182
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RECEIVED

JUN 16 2025

OFFICE OF
WATER

May 22, 2025

2334-2

Croell Redi Mix
PO Box 430
New Hampton IA 50659

To whom it may concern:

I am writing today in regard to South Dakota Water Right No. 2334-2, currently held by GLM Land Corporation. Water Right No. 2334-3 authorized the diversion of 0.067 cubic feet of water per second (30 gpm) from a single well located in the SW ¼ NW ¼ Section 28, T2N, R8E, for use in a rural water system (copy of license enclosed).

In recent conversation between Office of Water staff and GLM Land Corp representative, Bill Gikling, it was stated that the well had been sold to Croell Redi Mix and was now being used for industrial purposes at the mixing site. If this is the case, ownership of Water Right No. 2334-2 would need to be transferred, and the water right amended to allow for this use.

For your convenience I have included two partially completed forms for you to review, complete, and return for processing; the first being a "Notice of Transfer of Ownership" form, for which there is a \$50 fee, and the second an "Application to Amend Water Right No. 2334-2", for which the fee is \$300. Payment may be remit in the form of a check (payable to SD Water Rights) or by calling our Fiscal Office (605) 773-5559.

If you have any questions or concerns regarding ownership of the well or the application, I would be happy to assist.

Sincerely,

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

enclosures

Cc: GLM Land Corp, 141 E Omaha St, Rapid City SD 57701



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

June 16, 2025

Croell, Inc
c/o Brian Marchant
PO Box 1352
Sundance, WY 82729

No. 2334-2

Dear Mr. Marchant:

The South Dakota Water Rights Program is in receipt of the "Notice of Transfer of Ownership" form and the required fees you submitted for Water Right No. 2334-2. Enclosed is a receipt of payment for your records.

Water Right No. 2334-2 previously held by GLM Land Corporation is now listed under Croell, Inc. I have also updated the contact information in our system.

As a reminder, so long as you use the water beneficially, as stated in the Water Right (original copy enclosed), State Water Laws provide that you have a continuing right to use the water. Should the water not be put to beneficial use for a period longer than 3 consecutive years, without legal excuse, the Water Right will be subject to cancellation.

If you have any questions, please contact me.

Sincerely,

Miranda Smith
Water Rights Program
605 773-3352
Miranda.Smith@state.sd.us

NOTE: The validity of Water Right No. 2334-2 has not been determined by this transfer action. Only the Water Management Board has the authority to determine if a water permit/right is valid.

enclosure



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

**NOTE: TO BE SURE OF PUBLICATION ON
THE CORRECT DATES, CONTACT
THE NEWSPAPER RIGHT AWAY.**

August 14, 2025

Croell, Inc.
c/o Bill Baxendale
PO Box 1352
Sundance WY 82729

Dear Mr. Baxendale:

Water Permit Application No. 2334A-2 for industrial use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice has been sent to the Rapid City Journal printed in Rapid City SD (see attachment for contact information). You will need to contact the newspaper and authorize publication of this notice. For your information, a copy of the notice, the recommendation of the Acting Chief Engineer and report on the application are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

Be sure to contact the above newspaper to authorize publication of your Notice and to arrange for payment. Early contact with the paper can eliminate delays. Upon receiving authorization from you, the publisher has been instructed to publish your notice. The newspaper has also been instructed to send us the Proof of Publication. We must receive Proof of Publication before action can be taken on the application.

Sincerely,

Rachel Rodriguez

Rachel Rodriguez
Water Rights Program
(605) 773-3352

enclosures

NOTE: If you plan to contest any part of the Acting Chief Engineer's recommendation, you must file a petition pursuant to the procedures outlined in the attached notice of hearing. The Water Management Board will then consider your concerns during a hearing on the application.

NOTICE OF APPLICATION NO. 2334A-2 to Amend Water Right No. 2334-2

Notice is given that Croell, Inc., PO Box 1352, Sundance WY 82729, has filed an application to amend Water Right No. 2334-2. by changing the water use from rural water system to industrial use. Water Right No. 2334-2 appropriates 0.067 cubic feet of water per second (cfs) from one well completed into the Inyan Kara Aquifer (1,810 feet deep) located in the SW 1/4 NW 1/4 Section 28-T2N-R8E for rural water system use. This application proposes to change the use of water from the existing well from rural water system use to industrial use, with no increase in the 0.067 cfs diversion rate. This site is in the northeastern city limits of Rapid City SD.

Pursuant to SDCL 46-2A-2, the Acting Chief Engineer recommends APPROVAL of Application No. 2334A-2 because 1) the proposed amendment will not unlawfully impair existing domestic water uses and water rights, 2) the proposed use is a beneficial use and 3) it is in the public interest as it pertains to matters of public interest within the regulatory authority of the Water Management Board. The Acting Chief Engineer's recommendation with qualifications, the application, and staff report are available at <https://danr.sd.gov/public> or contact Ron Duvall for this information, or other information, at the Water Rights Program address provided below.

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

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

Any interested person may file a comment on the application with the 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 September 2, 2025.

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

Published once at the total approximate cost of _

Rodriguez, Rachel

From: Samantha Pryor <leelegals@column.us>
Sent: Thursday, August 14, 2025 8:56 AM
To: bill.baxendale@croell.com
Cc: Rodriguez, Rachel
Subject: Re: [EXT] 2334A-2 Croell, Inc. - Public Notice

Hi Bill,

Your notice is scheduled to be published in the The Rapid City Journal on August 21, 2025. Your payment must be received by August 15, 2025 at 3:00 PM MDT. For your convenience, you can quickly access your invoice and pay securely online using a credit/debit card or bank transfer (ACH) by clicking this link:

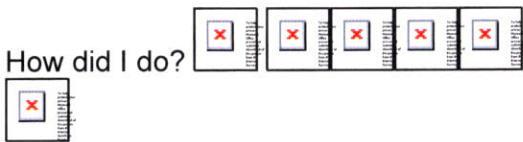
www.column.us/invoices/9h2fAmaYFhuJnDkM3zM7/pay. Your Notice ID is: rxTtlRynl4OpAxdIH8

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!

—
// Samantha Pryor
// Column Pro Representative
// [Column.us](http://column.us) is an easy-to-use online platform where you can place public notices, and access your proofs, invoices and affidavits.



On August 14, 2025 at 9:45 AM EDT rachel.rodriguez@state.sd.us wrote:

Attached is a notice to be published on August 21, 2025.

Croell, Inc., c/o Brian Marchant, PO Box 1352, Sundance WY 82729, bill.baxendale@croell.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, 523 E Capitol Ave, Pierre SD 57501.

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

Thank you,

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

AFFIDAVIT OF PUBLICATION

Croell, Inc. Croell, Inc.

State of Florida, County of Broward, 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:

- Aug 21, 2025

NOTICE ID: rxTtIIRynl4OpAxdIHZ8

NOTICE NAME: NOTICE OF APPLICATION NO. 2334A-2

TOTAL AD COST: \$80.54

Anjana Bhadoriya

Agent

VERIFICATION

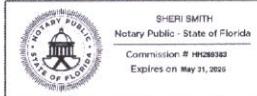
State of Florida
County of Broward

Signed or attested before me on this: 08/21/2025



Notary Public

Notarized remotely online using communication technology via Proof.



RECEIVED

AUG 29 2025

OFFICE OF
WATER

NOTICE OF APPLICATION NO. 2334A-2 to Amend Water Right No. 2334-2

Notice is given that Croell, Inc., PO Box 1352, Sundance WY 82729, has filed an application to amend Water Right No. 2334-2. by changing the water use from rural water system to industrial use. Water Right No. 2334-2 appropriates 0.067 cubic feet of water per second (cfs) from one well completed into the Inyan Kara Aquifer (1,810 feet deep) located in the SW 1/4 NW 1/4 Section 28-T2N-R8E for rural water system use. This application proposes to change the use of water from the existing well from rural water system use to industrial use, with no increase in the 0.067 cfs diversion rate. This site is in the northeastern city limits of Rapid City SD.

Pursuant to SDCL 46-2A-2, the Acting Chief Engineer recommends APPROVAL of Application No. 2334A-2 because 1) the proposed amendment will not unlawfully impair existing domestic water uses and water rights, 2) the proposed use is a beneficial use and 3) it is in the public interest as it pertains to matters of public interest within the regulatory authority of the Water Management Board. The Acting Chief Engineer's recommendation with qualifications, the application, and staff report are available at <https://danr.sd.gov/public> or contact Ron Duvall for this information, or other information, at the Water Rights Program address provided below.

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

The petition shall include a statement describing the unique injury upon approval of the application on the petitioner, the peti-

petitioner's reasons for opposing the application, and the name and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained.

Any interested person may file a comment on the application with the Acting Chief Engineer. The comment shall be filed on a form provided by the Acting Chief Engineer and is available online at <https://danr.sd.gov/public> or by calling (605) 773-3352 or writing the Acting Chief Engineer at the address provided above. Filing a comment does not make the commenter a party of record or a participant in any hearing that may be held. Any comment must be filed by September 2, 2025.

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

(Published August 21, 2025 for a total approximate cost of \$80.54 and may be viewed for free at www.sdpublicnotices.com)
Legal No: COL-SD-3118

RECEIVED

AUG 29 2025

OFFICE OF
WATER



Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Thursday, August 14, 2025 9:58 AM
To: Bill Baxendale
Subject: RE: [EXT] 2334A-2 Croell, Inc. - Public Notice
Attachments: 2334A-2 Rec.pdf; 2334A-2 Ltr.pdf; 2334-2 PubNotice.pdf; Rapid City Journal Info.pdf

Good morning,

This is regarding your water permit application. Attached is a copy of the report, acting chief engineer's recommendation, and information regarding the public notice for your water permit application. As stated in the letter, please contact the paper(s) 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 acknowledge receipt of this email.

Thank you,

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



From: Bill Baxendale <bill.baxendale@croell.com>
Sent: Thursday, August 14, 2025 9:44 AM
To: leelegals@column.us
Cc: Rodriguez, Rachel <Rachel.Rodriguez@state.sd.us>
Subject: RE: [EXT] 2334A-2 Croell, Inc. - Public Notice

I am sorry, what does this pertain to?

From: Samantha Pryor <leelegals@column.us>
Sent: Thursday, August 14, 2025 7:56 AM
To: Bill Baxendale <bill.baxendale@croell.com>
Cc: Rodriguez, Rachel <rachel.rodriguez@state.sd.us>
Subject: Re: 2334A-2 Croell, Inc. - Public Notice

CAUTION: This email originated from outside the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Bill,

Your notice is scheduled to be published in the The Rapid City Journal on August 21, 2025. Your payment must be received by August 15, 2025 at 3:00 PM MDT. For your convenience, you can quickly access your invoice and pay



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

October 27, 2025

Croell, Inc.
c/o Brian Marchant
PO Box 1352
Sundance WY 82729

Dear Mr. Marchant:

Enclosed is Water Permit No. 2334A-2 authorizing construction of the water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

Form 10, *Notice of Completion of Works and Application of Water to Beneficial Use*, is enclosed. Please return this completed form after you have finished the system and have put the water to beneficial use. An investigation can then be scheduled so the water license may be issued, thus completing the acquisition of a water right.

An informational sheet *Common Water Right Questions?* is also enclosed. This sheet is intended to answer some of the questions associated with obtaining and keeping a water right.

Sincerely,

Mark Mayer, PE
Director of Office of Water

enclosures



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

**Affidavit of Public Notice
Posting on DANR Website**

Pursuant to SDCL § 46-2A-4, public notice of the following application was posted on the DANR web site at <https://danr.sd.gov/public>. The posted public notice is the same notice as published in the pertinent newspaper(s) and a copy of the public notice is maintained in the application file. If the application is contested, the posting is moved to the DANR contested case website at <https://danr.sd.gov/public/ContestedCase.aspx> until final action is taken on the application pursuant to SDCL § 46-2A-4.

Application No.: 2334A-2

Name of Applicant: Croell Redi Mix, Brian Marchant

Date of Posting: 8/18/2025

Date of Removal: 10/27/2025



Ron Duvall, Engineer III

10/27/2025

Date

Subscribed and sworn to before me, a notary public, this 27th day of Oct, 2025.



Notary Public - South Dakota
My commission expires:

(SEAL)

**Rachel Rodriguez
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

December 30, 2025

2334A-2

Croell Inc.
PO Box 1352
Sundance, WY 82729

Dear Mr. Marchant:

I am writing to acknowledge receipt of the "Notice of Completion of Works" form that you sent in to let us know that you are completed with your water use system.

The system is now ready for inspection. Inspections are done on a county-by-county basis as staff time permits. You have done everything you need to do and the intervening time between the completion of your project and the staff inspection has no bearing on your water permit.

Someone from our office will contact you prior to the inspection to set up a time that is convenient for you. If you have any questions, please contact me.

Sincerely,

Amanda Dewell
Water Rights Program
(605) 773-3352
email: Amanda.Dewell@state.sd.us

RECEIVED

DEC 30 2025

OFFICE OF
WATERNOTICE OF COMPLETION OF WORKS AND
APPLICATION OF WATER TO BENEFICIAL USEDate 12-15-25TO: Water Rights Program, DANR
523 E. Capitol
Pierre, SD 57501-3181FROM: Croell Inc.
(name)
P.O. Box 1352
(address)
Sundance WY 82729 307-283-2221
(city, state, zip) (phone)

I have completed the construction of the water use system and I have put the water to beneficial use to the maximum extent it is going to be used.

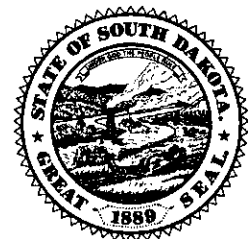
Water Permit No. 2334A-2 states that the water use system is to be constructed by 9-2-25, and water is to be put to beneficial use by 9-2-25.
(date) (date)

The water use system was completed on 9-2-25.
(date)

Applying the water to beneficial use was completed on 9-2-25.
(date)

You may schedule an investigation so that the water license may be issued.

[Signature]
(signature)





RECEIVED

DEC 30 2025

OFFICE OF
WATER

230 Croell Drive
PO Box 1352
Sundance WY 82729
Phone: 307-283-2221
Fax: 307-283-1450

Dec 15th, 2025

Water Rights Program, DANR
523 E. Capitol
Pierre, SD 57501-3181

RE: Notice of Completion

To Whom It May Concern:

Enclosed you will find the form that was sent to us in October. This well has existed for over 20 years and until recently was not registered to Croell, Inc. That was an oversight by the previous owner who did not transfer the rights to us. This well has been completed for decades, so the date Croell used on the form is the date the permit was issued in our name. We just wanted to clarify that. This well is a backup water source for our ready mix facility which operates off of city water.

If you have any questions or concerns, please feel free to contact me at the Sundance office 307-283-2221 or by email bill.baxendale@croell.com. Thank you.

Sincerely,

CROELL INC.

Bill Baxendale
EHS Coordinator