

WATER PERMIT NO. 2890-2

Name of Applicant: **Leonard & Jeannie Heim AKA Ideal Bison Ranch LLC**

Address: **26203 US Hwy 183, Winner SD 57580** Phone: **605-879-2020**

Amount of Water Claimed: **0.89 cfs** Total Acres: **95**

Source of Water Supply: **Groundwater**

Water to be used for: **Irrigation** County: **Tripp**

Type of Waste Disposal System:

Location: **Approx. 17 miles northwest of Winner**

PRIORITY Date Received: **04-23-25**

Application/License Fee: **\$950.00**

Corrected Application Received:

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

Remarks:

Diversion Point: **NE 1/4 NE 1/4 Sec 33-T102N-R77W**

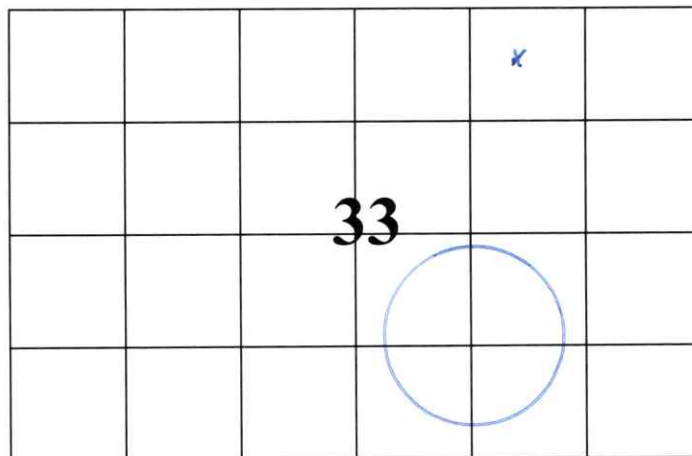
Land to be Irrigated: **SE 1/4 Sec 33-T102N-R77W**

Depth of Well: **1400**

Well Driller: **Albert Keller**

Remarks:

Type of Map: **aerial**



Reviewed and the Number Assigned on: **04-23-25**

By: **Rachel Rodriguez**

Notice of Hearing - date to intervene: _____

SOUTH DAKOTA
WATER PERMIT NO. 2890-2

Date of first receipt of application April 23, 2025.

The Acting Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 2890-2 to Leonard and Jeannie Heim AKA Ideal Bison Ranch LLC., 26203 US Hwy 183, Winner SD 57580, 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. 2890-2 appropriates 0.89 cubic feet of water per second from one well to be completed into the Dakota Aquifer (approximately 1,200 to 1,400 feet deep) located in the NE 1/4 NE 1/4 Section 33 for irrigation of 95 acres located in the SE 1/4 Section 33; all in T102N-R77W. The water will be diverted from the well into wastewater lagoons (2 acre surface area) located in the NE 1/4 NE 1/4 Section 33-T102N-R77W, which will also capture runoff from the feedlot. Water from the well will be used to dilute the wastewater effluent before being applied for irrigation of 95 acres located in the SE 1/4 Section 33-T102N-R77W. This site is located approximately seventeen miles northwest of Winner SD.
2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: May 1 – September 30.
3. The date from which applicant may claim right is April 23, 2025.
4. The date of approval of Permit No. 2890-2 is July 28, 2025.
5. One-fifth of the construction is to be completed on or before January 28, 2028.
6. All construction is to be completed on or before July 28, 2030.
7. Water is to be put to beneficial use on or before July 28, 2034.
8. 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. 2890-2 is located near domestic wells and other wells which may obtain water from the same aquifer. The well owner, under this Permit must control withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The proposed new well and any future replacement wells must meet the adequate well construction standard as defined in Administrative Rule of South Dakota (ARSD) 74:02:04:20. The new well and any replacement wells may not be constructed using the alternative construction requirements that are allowed for domestic use wells outlined in ARSD 74:02:04:35.
3. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

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

9/5/2025
date



RECEIVED

APR 23 2025

Water Rights
Program

Mail to: SD DANR, Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. <u>2890-2</u> Hydrologic Unit <u>10140204</u> Basin <u>White</u> Newspaper <u>Winner Advocate</u> <u>Huron Plainsman</u> (office use only)
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Application for Permit to Appropriate Water for Irrigation

Type of Application: ☒ New ☐ Vested Right ☐ Amendment/Correction to Permit No. _____
(Use predates Mar 2, 1955)

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

1. Name to Appear on Irrigation Permit Leonard & Jeannie Heim AKA Ideal Bison Ranch LLC

Note: The "Name to Appear on Irrigation Permit" must be the name in which the property to be irrigated is held in.

Mailing Address 26203 U.S. Hwy 183 Winner, S.D. 57580
(Address) (City) (State) (Zip Code)

Phone (605) 879-2020 Mobile (605) 770-7426 Email lenjeannie@hotmail.com

2. Amount of water claimed 0.89 *CFS or 400 **GPM ***AF Total Acreage 95
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)

3. Source of water supply groundwater - 1 well NE 1/4 NE 1/4 Sec 33 - T102N - R77W

4. Location of point of diversion _____
(example - 3 wells in SW 1/4 NE 1/4 section 12 - T104N - R53W)

County Tripp

5. County or counties where water will be used Tripp

6. Annual period during which water is to be used Jan 1 - Dec 31 (irrigation May 1 - Sep 30)

7. List below each forty-acre division, or lot, or fraction thereof and show number of acres to be irrigated in each.
(Attach sheet if more space is needed)

Land Description	Acres	Land Description	Acres
SE 1/4 Sec 33 - T102N - R77W	95		

8. Give a description of the project. (Attach sheet if more space is needed)
Well water will be used to supplement rural water in a commercial feedlot operation. Water will also be used to mix w/ wastewater lagoon and then applied for irrigation at a rate of 400.

1. Leonard Heim owner, the applicant, certify under
Name of Person Title (if applicable)

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

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)

"ideal bison"
ranch LLC

Supplemental Information

(type or print)

1. Well Information (check one or both as applicable)

☒ Drilling new well(s) ☐ Using existing well(s)

- a) If new wells, how many 1 Have test holes been drilled? ☐ Yes ☒ No Drilled by Albert Keller
(if yes, please provide copies of logs)
- b) If existing wells, how many 0 Provide copy of log(s), if available. Drilled by N/A

For either existing or proposed wells:

- c) Well Depth (required) 1200-1400' 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

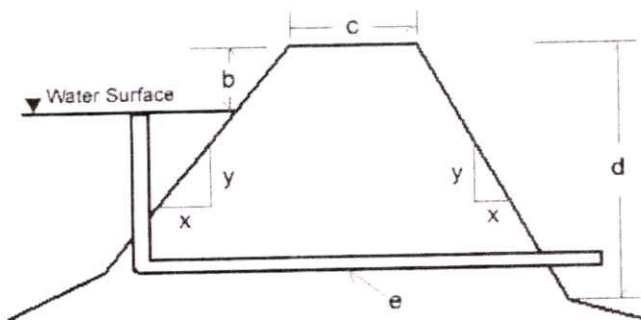
- a) Surface Dimensions 2 ac surface area Depth 10-12 ft
- b) Depth to water (ground surface to water level) _____

4. Water Storage Dams

~4ft to overflow outlet

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.

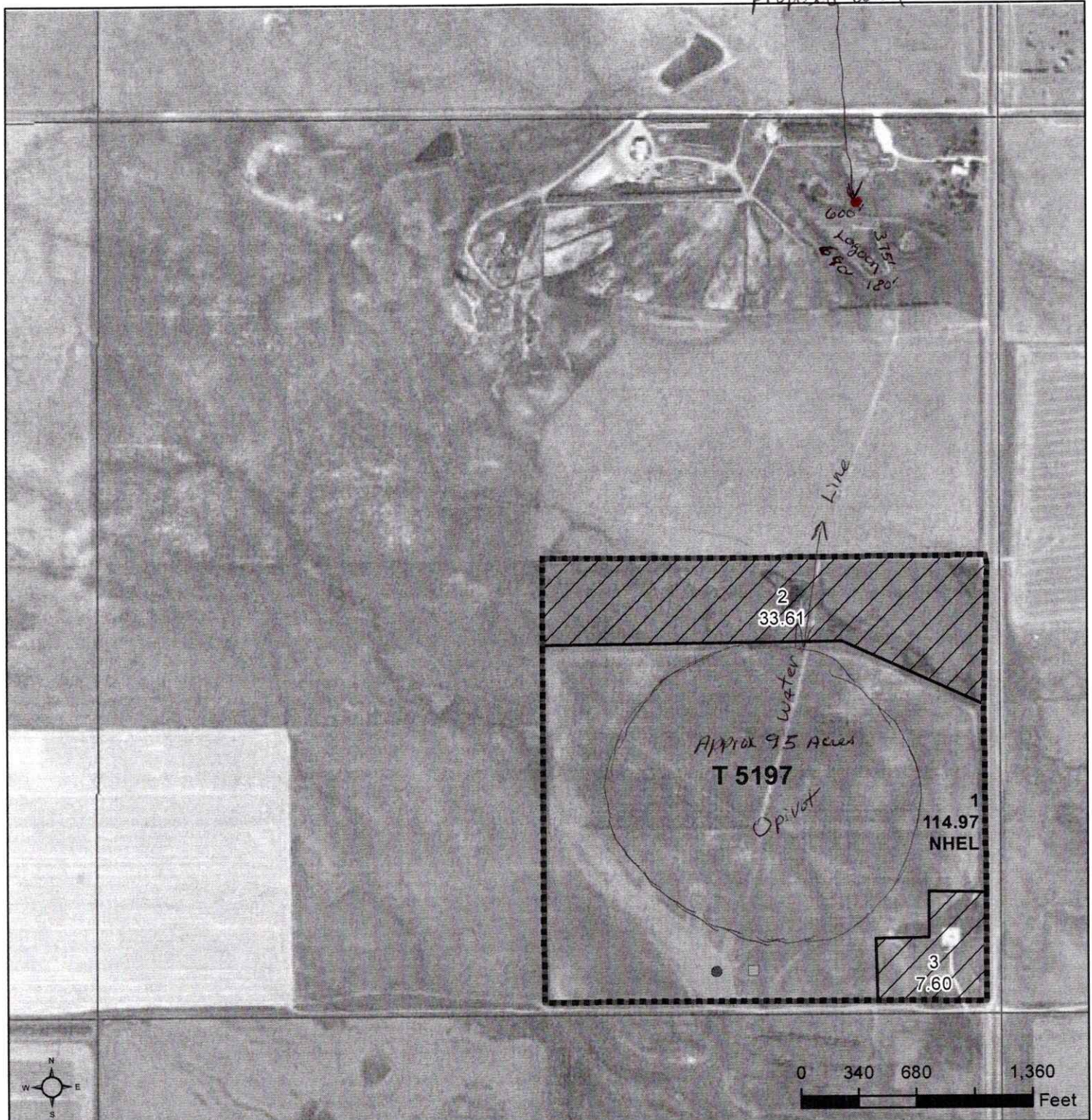
- a) If a private engineering firm or government agency was involved in the design of this dam, please give their name and address: _____
- b) Freeboard _____
- c) Crest Width _____
Crest Length _____
- d) Height _____
- e) Primary Outlet Capacity _____
If pipe, diameter _____
- f) Secondary Spillway 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





United States
Department of
Agriculture

Tripp County, South Dakota



Common Land Unit

- Non-Cropland
- Cropland

- Tract Boundary
- PLSS

Wetland Determination Identifiers

- Restricted Use
- ▽ Limited Restrictions
- Exempt from Conservation
- Compliance Provisions

Unless otherwise noted,
crops listed below are:
Non-irrigated
Intended for Grain
Corn = Yellow
Soybeans = Common
Wheat - HRS or HRW
Sunflowers = Oil or Non

Producer Initial _____
Date _____

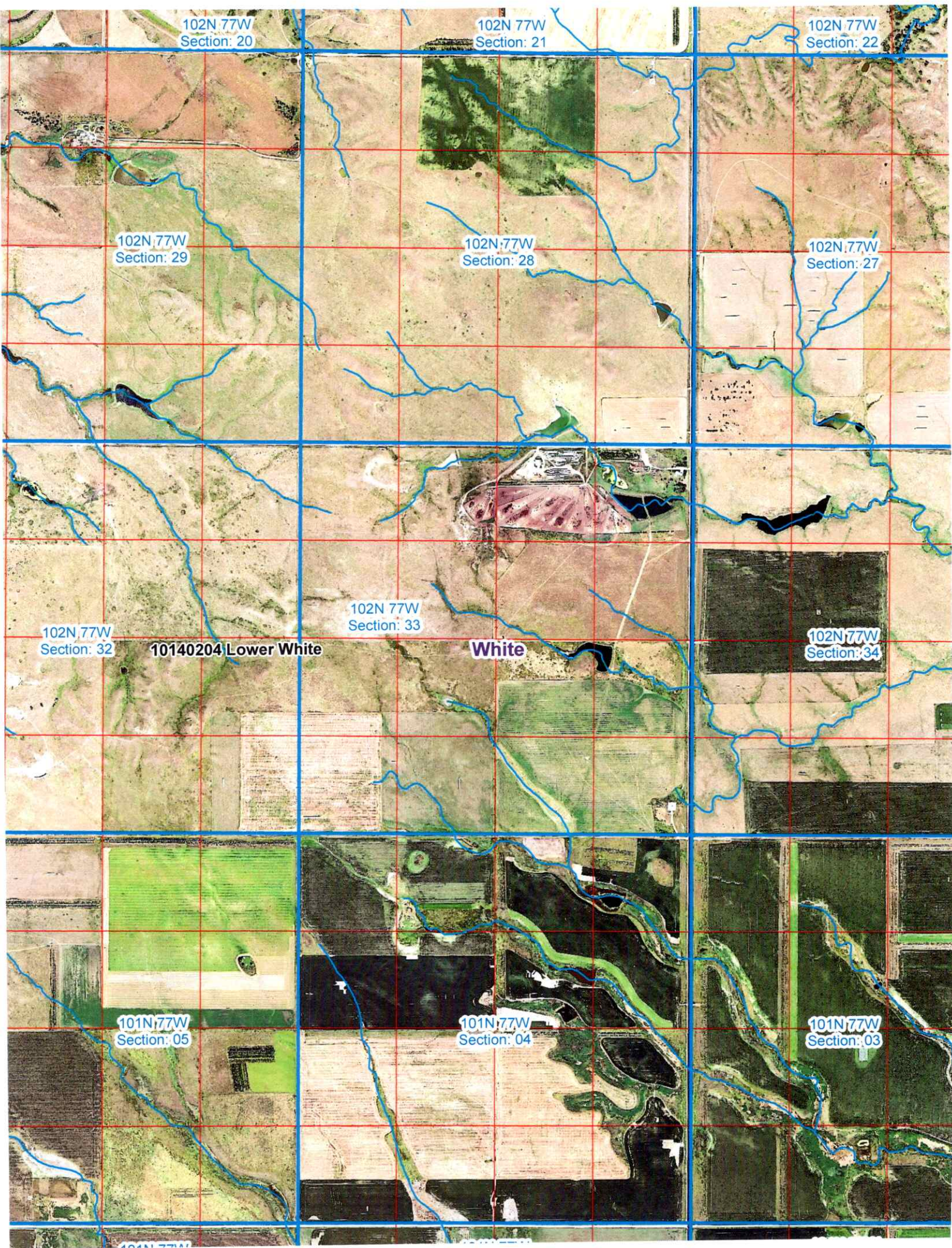
2025 Program Year

Map Created March 27, 2025

Farm 6976

33-102N-77W-Tripp

United States Department of Agriculture (USDA) Farm Service Agency (FSA) maps are for FSA Program administration only. This map does not represent a legal survey or reflect actual ownership; rather it depicts the information provided directly from the producer and/or National Agricultural Imagery Program (NAIP) imagery. The producer accepts the data 'as is' and assumes all risks associated with its use. USDA-FSA assumes no responsibility for actual or consequential damage incurred as a result of any user's reliance on this data outside FSA Programs. Wetland identifiers do not represent the size, shape, or specific determination of the area. Refer to your original determination (CPA-026 and attached maps) for exact boundaries and determinations or contact USDA Natural Resources Conservation Service (NRCS).



102N 77W
Section: 20

102N 77W
Section: 21

102N 77W
Section: 22

102N 77W
Section: 29

102N 77W
Section: 28

102N 77W
Section: 27

102N 77W
Section: 32

102N 77W
Section: 33

102N 77W
Section: 34

10140204 Lower White

White

101N 77W
Section: 05

101N 77W
Section: 04

101N 77W
Section: 03

RECEIPT

WATER RIGHTS PROGRAM South Dakota Department of Agriculture and Natural Resources

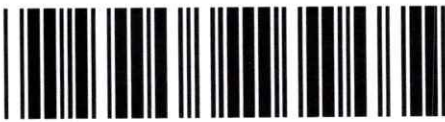
Date April 23rd, 2025

RECEIVED OF Leonard & Jennie Heim AKA Ideal Bison Ranch LLC 26203 US Hwy 183 Winner SD 57580

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

Fee for Application for Permit No. <u>2890-2</u> to Appropriate Water, to construct and to put water to beneficial use	\$ <u>750.00</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. <u>2890-2</u>	\$ <u>200.00</u>
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>950.00</u>

By Mark Mayke
Chief Engineer



532699317

ANNUAL REPORT

Secretary of State
500 E. Capitol Ave
Pierre, SD 57501-5070
(605) 773-4845

Domestic Limited Liability Company
SDCL 47-34A-211; 59-11-24, 24.1

Please Type or Print Clearly in Ink
Please submit one Original
Make payable to the SECRETARY OF STATE

Filing Fee: \$50

Total Fee: \$50

2025
FILING YEAR

1. Business ID and Name:

DL175206
BUSINESS ID

Ideal Bison Ranch, LLC
BUSINESS NAME

2. The jurisdiction under whose law it is formed **South Dakota**

3. The address of the principal executive office (business address):

Actual Street Address

26203 US HWY 183
WINNER, SD 57580

Mailing Address

26203 US HWY 183
WINNER, SD 57580

4. The South Dakota Registered Agent's Name:

South Dakota law permits the registered agent to be either (a) a noncommercial registered agent, or (b) a commercial registered agent.

(a) The South Dakota Noncommercial Registered Agent's name

Name **Leonard Heim**

Actual Street Address in this State

26203 US HWY 183
WIINNER, SD 57580

Mailing Address in this State

26203 US HWY 183
WINNER, SD 57580

5. If the LLC is manager-managed, list the names and addresses of its Managers. SDCL 59-11-24. If the LLC is member-managed, this section may be left blank.

Name

Address

: **Leonard Heim**

26203 US Hwy 183, Winner, SD 57580

6. 43-2A-1. "Agricultural land" defined.

For purposes of this chapter, the term "agricultural land" means land capable of use in the production of agricultural crops, timber, livestock or livestock products, poultry or poultry products, milk or dairy products, or fruit and other horticultural products but does not include any royalty interest, any oil, gas, or other mineral interest, or any lease, right-of-way, option, or easement relating thereto, or any land zoned by a local governmental unit for a use other than and nonconforming with agricultural use

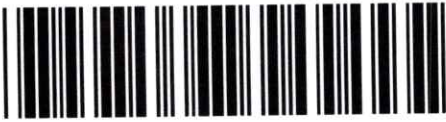
Does the entity own any Agricultural land? (Required)

No

If the answer is yes, please answer below

"Foreign Beneficial Owner" "Foreign entity" is registered outside of the United States or its territories or has more than ten percent ownership by a foreign government, foreign person, or any combination thereof. "Foreign Government" A Government or state- controlled enterprise of a government, other than the United States, its states, its territories, or its federally recognized Indian Tribes. "Foreign Person" A natural Person who is not a United States Citizen or a resident.

Does the entity have any foreign beneficial owners/interests?



N/A

If the answer is yes to the questions above, please provide the information below

Provide a legal description of the agricultural land or a description of the land's common location in the space provided below.

N/A

The total acreage of agricultural land held by the entity.

N/A

The Current use of the agricultural land. As defined in SDCL 43-2A-1.

Check all that apply:

N/A

7. Beneficial Owners (optional): A beneficial owner is a person who has or in some manner controls an equity security. Please consult an attorney for legal advice if you have any questions concerning this entry. Any question under this heading is considered a request for legal advice and the secretary of state's office is, by statute, not permitted, to provide legal advice.

No person may execute this report knowing it is false in any material respect. Any violation may be subject to a criminal penalty (SDCL 22-39-36).

12/20/2024

Dated

Email (Optional)

Scott Peterson

Signature of an Authorized Person

Scott Peterson

Printed Name

B0341-4147 12/20/2024 12:44PM Rec'd by SD SOS



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

File No. 2890-2

WATER RIGHTS PROGRAM -- FILE DOCUMENTATION

NAME: Leonard Heim

ADDRESS: 26203 US Hwy 183, Winner SD 57580

DATE: May 23, 2025

PHONE: 605 770-7426

RE: Proposed water use by Appl. No. 2890-2

COMMENTS:

I contacted Leonard Heim concerning the amount of water that could be used to offset rural water system use in order to identify a number of acre-feet to be used for commercial purposes. After discussing the matter with Mr. Heim, he decided it was highly unlikely the well would be used supplement the water supply to the feedlot, so he asked me to remove commercial use from the application and have the application only be for irrigation.

We also discussed the drainage to the north. I asked whether the drainage to the north of the wastewater ponds had been diverted around the ponds on the north side. Mr. Heim indicated that the drainage area coming from the north did not enter the two wastewater ponds.

RECOMMENDED ACTION:

As requested by Mr. Heim, commercial use will be removed from his application and the only runoff entering the ponds is from the feedlot and not the drainage coming down from the north.

Ron Duvall, Engineer III
SD DANR, Water Rights Program

RECEIVED

APR 23 2025

OFFICE OF
WATER

Request to drill "test well"

by Albert Keller @ SE¹/₄

Sec 33 - T102N - R77W

to 1200 - 1400 ft deep.

Sincerely,
Leonard Heim



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

April 23, 2025

Ideal Bison Ranch LLC
Leonard & Jeannie Heim
26203 US Hwy 183
Winner SD 57580

Mr and Mrs. Heim:

As requested on April 23, 2025, pursuant to South Dakota Well Construction Standard 74:02:04:21, you are authorized to have Keller Drilling construct a test well prior to approval of a water permit. The test well will be located in the SE ¼ Sec. 33-T102N-R77W in Tripp County. The well will be approximately 1,200 to 1,400 feet deep targeting the Dakota aquifer. All test wells must be constructed in accordance with the SD Well Construction Standards. Any test holes or test wells that are abandoned must be plugged pursuant to the SD Well Construction Standards.

Authorization must be obtained before water from the well can be used in excess of domestic use as defined by South Dakota Codified Law 46-1-6(7) or for uses other than domestic use. All test or permanent wells to be constructed under this test well permission must be constructed using the methods described in Administrative Rule of South Dakota (ARSD) 74:02:04:28. Approval of this test well does not assure issuance of a water permit. Following review of a Water Permit Application and assessing the availability of water, the potential impacts to existing users, the beneficial use, and the public interest of a permit, the Chief Engineer will make a recommendation to the Water Management Board regarding the application. The recommendation to approve, deny, or defer the application will be publicly noticed and an opportunity afforded for the public to intervene. A public hearing may be required to consider the water permit. If you have questions regarding permitting, please call Amanda Dewell at (605) 773-3352.

Sincerely,

Mark Mayer, PE
Director of Office of Water
SD DANR
(605)773-3352

CC: Keller Drilling



**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. 2890-2, Ideal Bison Ranch LLC**

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. 2890-2, Ideal Bison Ranch LLC, 26203 US Hwy 183, Winner SD 57580.

The Acting Chief Engineer is recommending APPROVAL of Application No. 2890-2 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing domestic water uses and water rights, 3) the proposed use is a beneficial use and 4) it is in the public interest as it pertains to matters of public interest within the regulatory authority of the Water Management Board with the following qualifications:

1. The well approved under Water Permit No. 2890-2 is located near domestic wells and other wells which may obtain water from the same aquifer. The well owner, under this Permit must control withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The proposed new well and any future replacement wells must meet the adequate well construction standard as defined in Administrative Rule of South Dakota (ARSD) 74:02:04:20. The new well and any replacement wells may not be constructed using the alternative construction requirements that are allowed for domestic use wells outlined in ARSD 74:02:04:35.
3. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

See report on application for additional information.

Mark Mayer, PE
Director of Office of Water
July 2, 2025

Report to the Chief Engineer

On Water Permit Application No. 2890-2

Leonard and Jeannie Heim AKA Ideal Bison Ranch LLC

June 23rd, 2025

Water Permit Application No. 2890-2 proposes to appropriate 0.89 cubic feet of water per second (cfs) from one well to be completed into the Dakota aquifer (approximately 1,200 to 1,400 feet deep) located in the NE ¼ NE ¼ Section 33 for the irrigation of 95 acres located in the SE ¼ Section 33; all in T102N-R77W. The applicants propose to divert water from the well into wastewater lagoons (2-acre surface area) located in the NE ¼ NE ¼ Section 33-T102N-R77W, which will also capture runoff from the feedlot. Water from the well will be used to dilute the wastewater effluent before being applied for the irrigation of 95 acres located in the SE ¼ Section 33-T102N-R77W. This site is located approximately 17 miles northwest of Winner, SD in Tripp County.

AQUIFER: Dakota (DKOT)

HYDROGEOLOGY:

The Dakota Formation is defined as the first relatively continuous sandstone below the Greenhorn Limestone, extending downward to the top of the Skull Creek Shale in western and central South Dakota (Schoon, 1971). In eastern South Dakota, the Skull Creek Shale is not continuous and when absent, the Dakota Formation directly overlies Precambrian bedrock or the Inyan Kara Group (Schoon, 1971). In western South Dakota, a stratigraphically equivalent formation to the Dakota Formation is the Newcastle Formation, which outcrops in the Black Hills (Bredehoeft and others, 1983). In eastern South Dakota, the Dakota Formation can be separated into three layers: 1) upper layer of fine to medium grained, light to reddish brown, quartz sandstone interbedded with minor gray to dark grey shale layers; 2) a middle layer of silty gray clay interbedded with minor sandstone layers; and 3) a lower layer of medium to coarse grained quartz sandstone (Schoon, 1971).

The Dakota aquifer is comprised of the saturated and permeable portions of the Dakota Formation and is primarily a confined bedrock aquifer throughout most of South Dakota (Schoon, 1971; Water Rights 2025b and 2025d). The Dakota Formation underlies approximately 66,500 square miles of South Dakota and has an average thickness of 150 feet (Schoon, 1971). Using Schoon's (1971) estimates of average thickness (150 feet) and areal extent (66,500 square miles or 42.5 million acres) of the Dakota aquifer, and assuming 15% porosity for the Dakota Formation, calculates to an approximate 960 million acre-feet of stored water within the Dakota aquifer in South Dakota.

A well completion report was not submitted with this application, so the next closest well completed into the Dakota aquifer will be used instead. The next closest well is located in Section 10-T101N-R77W, 1.8 miles southeast of the proposed diversion point, and was completed on June 21st, 2005 (Water Rights, 2025d). The water well completion report shows

the top of aquifer material 1,250 feet below ground surface. The static water level at the time of well completion was 25 feet below ground surface (Water Rights, 2025b). Based on the top of aquifer material and the static water level, the aquifer is expected to be confined with a saturated aquifer thickness of 150 feet (Water Rights, 2025b; Water Rights, 2025d). The well completion report indicates the aquifer material is confined by a layer of shale and is similar to other nearby test hole reports and well completion reports.

South Dakota Codified Law (SDCL) 46-2A-9

Pursuant to SDCL 46-2A-9,

“A permit to appropriate water may be issued only if there is a reasonable probability that unappropriated water is available for the applicant’s proposed use, the proposed diversion can be developed without unlawful impairment of existing domestic water uses and water rights, the proposed use is a beneficial use, and the permit is in the public interest as it pertains to matters of public interest within the regulatory authority of the Water Management Board as defined by SDCL 46-2-9 and 46-2-11.”

This report will address the availability of unappropriated water and the potential for unlawful impairment of existing domestic uses and water rights within the Dakota aquifer.

WATER AVAILABILITY:

Water Permit Application No. 2890-2 proposes to appropriate water from the Dakota aquifer. The probability of unappropriated water being available from the aquifer can be evaluated by considering SDCL 46-6-3.1,

“No application to appropriate groundwater may be approved if, according to the best information reasonably available, it is probable that the quantity of water withdrawn annually from a groundwater source will exceed the quantity of the average estimated annual recharge of water to the groundwater source. An application may be approved, however, for withdrawals of groundwater from any groundwater formation older than or stratigraphically lower than the greenhorn formation in excess of the average estimated annual recharge for use by water distribution systems.”

The Dakota aquifer is older than and stratigraphically lower than the Greenhorn Formation. However, the applicant’s proposed use is not for use in a water distribution system as defined by SDCL 46-1-6(17). Therefore, the average annual recharge and average annual withdrawal rates to and from the Dakota aquifer must be considered.

HYDROLOGIC BUDGET:

Recharge

Recharge to the Dakota aquifer in South Dakota occurs through upward leakage from underlying aquifers with a higher artesian pressure than the Dakota aquifer, downward seepage through overlying confining layers, and through the infiltration of precipitation on the Newcastle Formation that outcrops in the Black Hills (Bredehoeft and others, 1983; Water Rights, 2025b). Using computer modeling, Bredehoeft and others (1983) attempted to match Darton's (1909) potentiometric surface map of the Dakota aquifer and developed a recharge estimate of approximately 79.4 cfs (57,500 acre-feet/year) prior to well development. However, assumptions used in Bredehoeft and other's (1983) recharge estimate are now outdated. For example, the recharge estimates used for the Madison and Inyan Kara aquifers in Bredehoeft and other's (1983) analysis are much lower than estimates calculated by the more recent research of Carter and others (2002). While outdated, the Bredehoeft and other's (1983) estimate is the best information available to give a sense of scale of the recharge to the Dakota aquifer in South Dakota, it is unknown whether the true recharge rate of the Dakota aquifer is higher or lower than Bredehoeft and other's (1983) estimates.

Discharge

Discharge from the Dakota aquifer in South Dakota occurs through well withdrawals, uncontrolled flowing wells, outflow through corroded well casings, and outflow to overlying or adjacent aquifers due to higher artesian pressure in the Dakota aquifer (Bredehoeft and others, 1983; Water Rights, 2025a and 2025c). Currently, there are 264 water rights/permits, including future use permits, authorized to appropriate water from the Dakota aquifer (Water Rights, 2025c). There are 7 future use permits reserving 4,287 acre-feet/year of water from the Dakota aquifer, shown on Table 1 (Water Rights, 2025c).

Table 1. Future Use Permit reserved water for the Dakota aquifer (Water Rights, 2025c)

Future Use Permit Holder	Amount of Reserved Water (acre-feet)
South Lincoln Rural Water System (No. 4817-3)	1,448
City of Lennox (Nos. 5101-3, 5101A-3)	0*
Lincoln County Rural Water System (No. 5155-3)	440
City of Canton (Nos. 5219-3, 1262C-3)	1,849
City of Harrisburg (No. 8400-3)	550
Total:	4,287
*City of Lennox has allocated all the water they had reserved	

Table 2 summarizes the 237 non-irrigation water rights/permits authorized to appropriate water from the Dakota aquifer with the estimated annual use for each water right/permit as determined by their limiting diversion rate or annual volume. The amount of water that can be withdrawn was estimated by assuming the non-irrigation water rights/permits limited by an annual volume

will withdraw their entire appropriated volume every year. It is estimated that non-irrigation water rights/permits limited only by a diversion rate will pump at their maximum permitted diversion rate for 60 percent of the time. The 60 percent estimation was established by Water Rights Staff to be a reasonable and safe overestimate of average annual withdrawals by non-irrigation appropriations. Historically, the 60 percent estimate has been accepted by the Water Management Board. There are also some water permits/rights that divert their water from more than one aquifer, only the diversion from the Dakota aquifer will be accounted for in Table 2 (Water Rights, 2025c). It should be noted that some of the water permits/rights on Table 2 are connected to rural water systems and use rural water rather than their local wells; so, they will not contribute to the annual withdrawal rate. This includes several municipal water rights for small towns and cities that source 100% of their water from another system (Drinking Water, 2025). However, water rights for the City of Canton purchases 30% of their water from South Lincoln Water System and pumps the other 70% of their water from local wells (Drinking Water, 2025). Overall, the estimated average annual withdrawal rate for the Dakota aquifer non-irrigation water rights/permits is 26,181 acre-feet/year (Table 2) (Water Rights, 2025c). Water Permit Application No. 8958-3 is another pending application that should be considered. Application No. 8958-3 proposes to appropriate less than 1 acre-feet of water annually from the Dakota aquifer for commercial use. Collectively, the average annual withdrawal rate for the non-irrigation appropriations (26,181 acre-feet/year), plus Application No. 8958-3 proposed annual withdrawal rate (1 acre-feet/year), is approximately 26,182 acre-feet per year.

Table 2. Estimated annual use for non-irrigation water rights/permits authorized to divert water from the Dakota aquifer (Water Rights, 2025c)

Type of Use	No. of Water Rights/Permits	Authorized Annual Volume (acre-feet)	Authorized Diversion Rate (cfs)	Estimated Annual Use (acre-feet/year)
COM	111	2,605	12.93	8,220
DOM	11	72	1.58	760
FWP	4	0	2.73	1,187
GEO	2	0	2.33	1,012
IND	6	7	0.84	374
INS	2	0	1.34	582
MUN	85	5,998	6.81	8,957
REC	3	3	0.45	199
RWS	6	2,005	3.30	3,443
SHD	7	0	3.33	1,447
Total:	237	10,690	34.54	26,181
COM: Commercial, DOM: Domestic, FWP: Fish & Wildlife Propagation, GEO: Geothermal, IND: Industrial, INS: Institutional, MUN: Municipal, REC: Recreation, RWS: Rural Water System, SHD: Suburban Housing Development				

Currently, there are 20 irrigation water rights/permits appropriating water from the Dakota aquifer (Water Rights, 2025c). Irrigation water rights/permits have been typically required to report their annual usage by submitting an irrigation questionnaire since 1979. The average annual withdrawal rate for the Dakota aquifer irrigation water rights/permits that have reported over the period of record (1979 to 2023) is approximately 164 acre-feet per year (Table 3)

(Water Rights, 2025a). To reflect the current development of irrigation water rights/permits more accurately, the average annual withdrawal rate for irrigation appropriations from 2014 to 2023 is approximately 245 acre-feet per year (Table 3) (Water Rights, 2025a). Water Permit Nos. 8828-3 & 8842-3 were recently approved in 2024, so they have not reported an annual usage yet and will need to be accounted for. Generally, crop irrigators in eastern South Dakota apply less than one foot of water per acre per year. Regardless, one foot of water per acre per year application rate will be used, as an overestimate, to estimate the annual withdrawal rate for Water Permit Nos. 8828-3 & 8842-3. Water Permit Nos. 8828-3 & 8842-3 combined are permitted to irrigate 472 acres. Therefore, Water Permit Nos. 8828-3 & 8842-3 will have an estimated annual use of 472 acre-feet per year. This application also proposes to irrigate 95 acres. Using the previous method to estimate withdrawal, this application, if approved, will use an estimated 95 acre-feet per year for irrigation. Combining the estimated annual use of Water Permit Nos. 8828-3 & 8842-3, this application, and the reported annual average, results in an estimated annual irrigation withdrawal rate of 731 acre-feet per year.

There are domestic wells completed into the Dakota aquifer that do not require a water right/permit, so the withdrawal amount from those wells is unknown (Water Rights, 2025d). Due to their relatively low diversion rates, withdrawals from domestic wells are not considered to be a significant portion of the hydrologic budget. Additionally, with the development of rural water systems in areas where the Dakota aquifer is the uppermost aquifer available; it is likely some domestic users may have transitioned to rural water. Therefore, the quantity of water withdrawn by domestic wells is estimated to be negligible to the hydrologic budget for the Dakota aquifer.

Table 3. Reported historic irrigation use from the Dakota aquifer (Water Rights, 2025a)

Year	No. of Permits	Reported Use (acre-feet)
1979	2	38
1980	2	110
1981	4	45
1982	5	33
1983	5	64
1984	4	0
1985	5	8
1986	5	239
1987	5	1
1988	4	453
1989	4	265
1990	4	234
1991	5	165
1992	5	40
1993	7	112
1994	7	52
1995	8	31
1996	8	34
1997	9	48
1998	9	176
1999	10	102
2000	10	173
2001	11	161
2002	10	179
2003	10	205
2004	10	154
2005	12	147
2006	13	232
2007	14	200
2008	14	196
2009	15	131
2010	17	172
2011	18	175
2012	18	298
2013	18	257
2014	17	163
2015	17	236
2016	16	196
2017	16	229
2018	16	157
2019	15	108
2020	16	246
2021	16	256
2022	17	483
2023	19	376
Max.	18	483
Min.	2	0
Average (1979-2023)	10	164
Average (2014-2023)	17	245

Hydrologic Budget Summary

The average annual recharge rate to the Dakota aquifer has not been accurately quantified. Bredehoeft and others (1983) estimated the recharge rate to be approximately 57,500 acre-feet/year. However, the Bredehoeft and others (1983) recharge estimate is dated and the actual recharge rate of the Dakota aquifer could be higher or lower than previously estimated. The estimated average withdrawal rate from the Dakota aquifer totals to approximately 31,200 acre-feet/year; (future use: 4,287 acre-feet/year; non-irrigation, including another pending application: 26,182 acre-feet/year; and irrigation (avg 2014 to 2023), including 2024 permits & this application: 731 acre-feet/year). Based on the hydrologic budget, there is a reasonable probability unappropriated water is available from the Dakota aquifer for the proposed appropriation.

OBSERVATION WELL DATA:

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

The DANR-Water Rights Program monitors 46 observation wells completed into the Dakota aquifer. The observation wells provide data on how the aquifer reacts to regional climatic conditions and local pumping. The four closest observation wells to the proposed diversion point are LY-96A (approximately 28.8 miles northwest), GY-89A (approximately 31.2 miles southeast), BL-83A (approximately 38.8 miles northeast), and JA-96A (approximately 57.9 miles northwest) (Water Rights, 2025b). The water level elevations for these observation wells are displayed in Figure 1 (Water Rights, 2025b). The majority of observation wells in the Dakota aquifer have a declining water level, with several observation wells that are under the influence of heavy pumping showing a history of slightly declining water levels that eventually stabilize and a couple that have stable water levels over their period of record. The data shown on Figure 1 share a similar stable trend with most of the southeastern South Dakota observation wells in the Dakota aquifer. It should be noted that wells LY-96A, GY-89A, & BL-83A are currently no longer being measured due to blockage or iron bacteria preventing accurate measurement of the water level as seen by the sharp rising water level in LY-96A (Water Rights, 2025b). However, observation wells LY-96A, GY-89A, & BL-83A will be used to provide a history of the water levels of the Dakota aquifer.

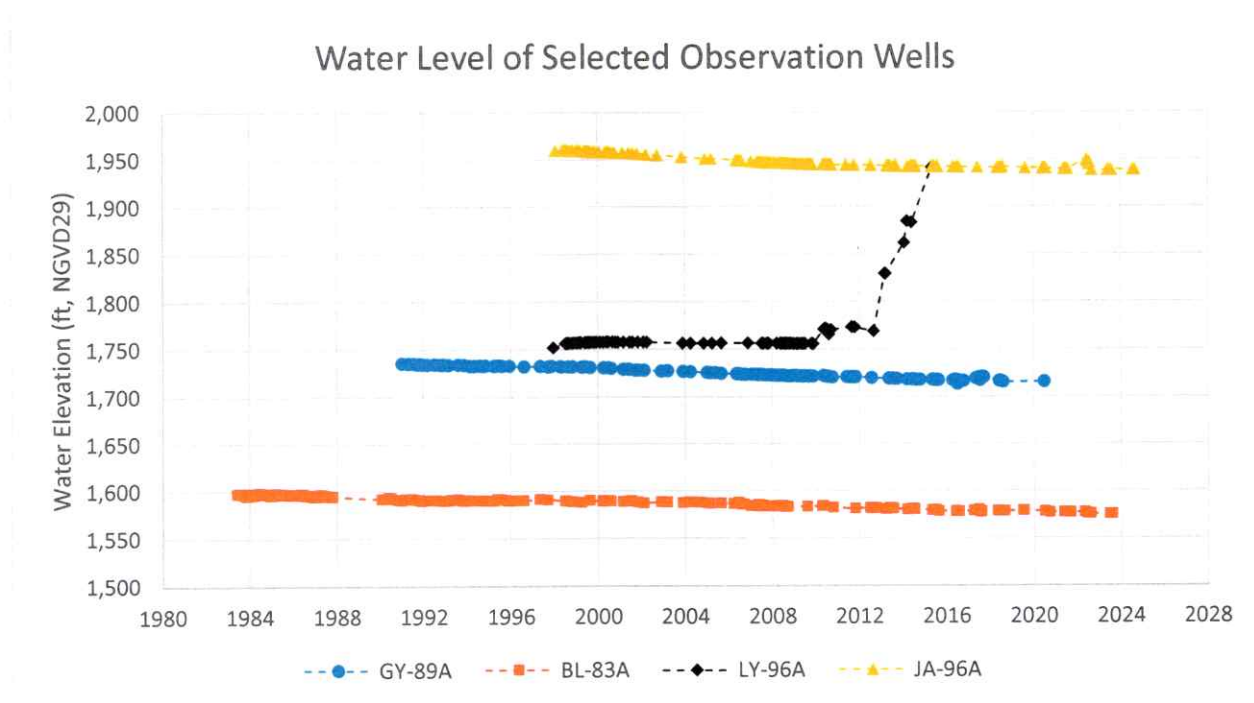


Figure 1. A hydrograph showing the elevation of water levels of observation wells GY-89A, BL-83A, LY-96A, and JA-96A (Water Rights, 2025b)

The hydrographs in Figure 1 display the declining water levels that the majority of observation wells in the Dakota aquifer have. However, several observation wells do show water levels that stabilize or have started stabilizing. The observation wells under influence of heavy and continuous pumping quickly stabilize after the pumping starts. In confined aquifers, a decline in observation well water levels do not necessarily indicate a significant decrease in water stored in the confined aquifer, since measured water levels are reflecting artesian head pressure. Additionally, there are uncontrolled, flowing wells discharging water from the Dakota aquifer at ground surface, and it is expected water from the aquifer is also being discharged to other aquifers if wells completed into the Dakota aquifer have experienced casing failure. Concerns have developed over time about the decline in artesian head pressure of the Dakota aquifer. The Water Management Board has concluded and reaffirmed that withdrawals exceeding the average annual recharge cannot be determined solely upon decline in head pressure, and in theory the Dakota aquifer head is stabilizing relative to withdrawals and discharges (Water Rights, 1987 and 2010). Since discharge from uncontrolled flowing wells is likely to continue until water levels in the aquifer decline to being at or below the ground surface, continuing to allow beneficial pumping to occur reduces the amount of water being discharged to waste. The Water Management Board's decision to optimize development of the Dakota aquifer is favorable to issuance of permits. There is a reasonable probability unappropriated water is available for the proposed appropriation.

POTENTIAL FOR UNLAWFUL IMPAIRMENT OF EXISTING WATER RIGHTS:

Water rights/permits within approximately 30 miles of the proposed well site for this application are shown in Figure 2 and summarized in Table 4 (Water Rights, 2025c). The closest water right/permit (not held by the applicant) to the proposed diversion point is Water Right No. 2261-2 which is held by the DNA Production LLC. The diversion point for Water Right No. 2261-2 is located approximately 2 miles west from this application (Water Rights, 2025c). There are domestic wells on file with the DANR-Water Rights Program that are completed into the Dakota aquifer, with the closest domestic well on file (not held by the applicant) approximately 1.1 miles northeast of the proposed diversion point based on the location identified by the well driller on the well completion report submitted by the driller (Water Rights, 2025d). There could potentially be other domestic wells completed into the Dakota aquifer near the diversion point that are not on file with the DANR-Water Rights Program.

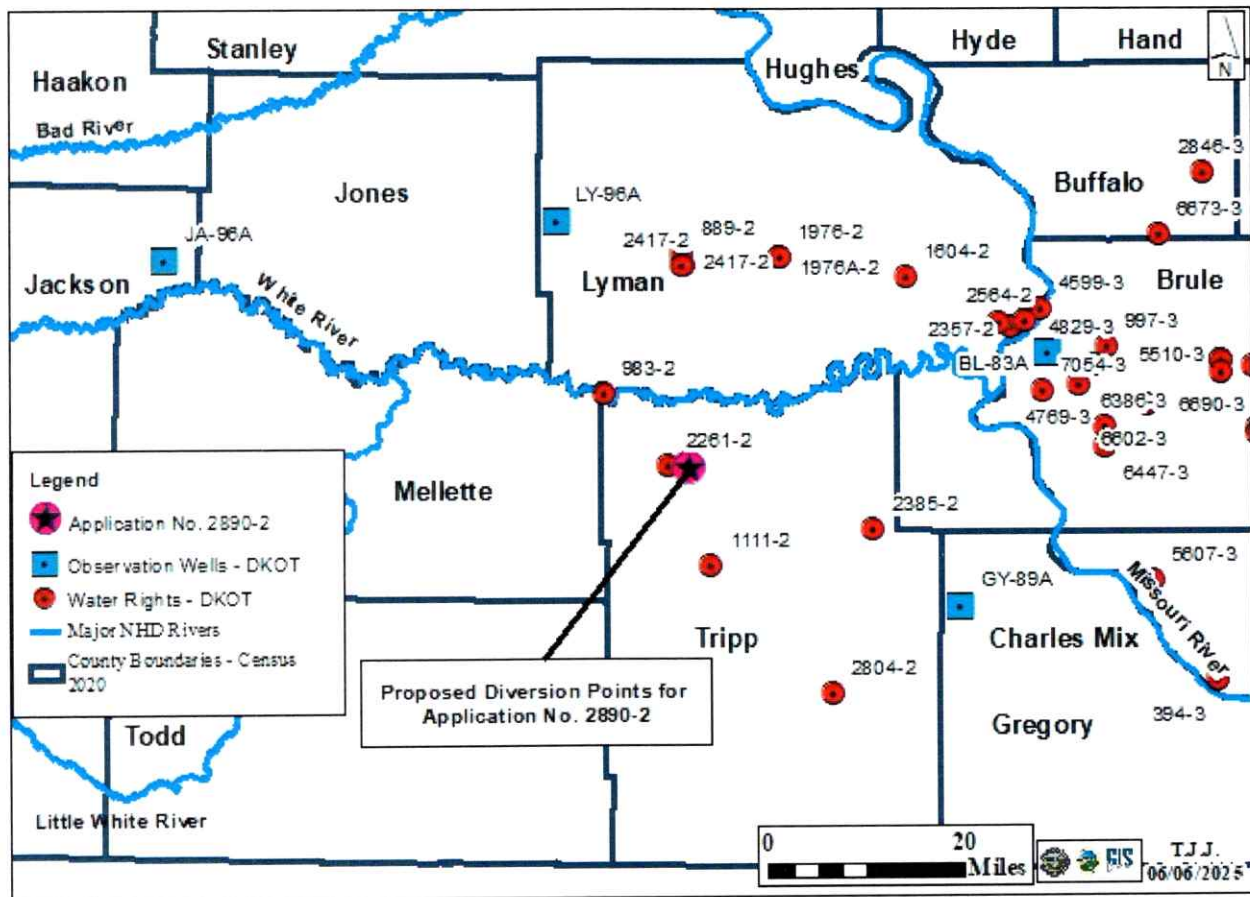


Figure 2. Map of the Water Permit Application No. 2890-2 proposed diversion point and the Dakota aquifer observation wells and water rights/permits within Tripp, Todd, Jackson, Jones, Lyman, Buffalo, Brule, Charles Mix, and Gregory Counties (Water Rights, 2025b and 2025c).

Table 4. List of water rights/permits within 30 miles of the proposed Diversion point.

Permit	Name/Business	Priority	Status	Use Type	CFS
889-2	City of Presho	06/09/1966	License	Municipal	1.00
983-2	Doug Perry	02/05/1969	License	Commercial	0.53
1111-2	Town of Witten	05/17/1972	License	Municipal	0.16
1604-2	Town of Reliance	09/06/1977	License	Municipal	0.27
1976-2	Town of Kennebec	01/01/1926	License	Municipal	0.25
1976A-2	Town of Kennebec	01/01/1926	License	Municipal	0.09
2261-2	DNA Production LLC	02/23/1993	License	Commercial	0.13
2385-2	Winner Circle Feedyard LLP	04/10/1997	License	Commercial	0.49
2417-2	Presho Livestock Auction	01/04/1999	License	Commercial	0.167
2804-2*	Dougherty Cattle Company Inc.	08/30/2019	Permit	Commercial	0.13

*Water Permit No. 2804-2 appropriates from the Dakota & Ogallala aquifers.

The Dakota aquifer is primarily under confined conditions. In a confined aquifer, drawdown from a pumping well can extend some distance from the well. The Water Management Board recognizes that putting water to beneficial use requires a certain amount of drawdown to occur. The Board has developed rules to allow water to be placed to maximum beneficial use without the necessity of maintaining artesian head pressure for domestic use. The Water Management Board defined an “adversely impacted domestic well” in ARSD 74:02:04:20(7) as:

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

The Water Management Board considered the delivery of water by artesian head pressure versus maximum beneficial use during the issuance of Water Right No. 2313-2 for Coca-Cola Bottling Company of the Black Hills. The Board adopted the Findings of Facts and Conclusions of Law that noted the reservation of artesian head pressure for delivery of water would be inconsistent with SDCL 46-1-4 which states, “general welfare requires that the water resources of the state be put to beneficial use to the fullest extent of which they are capable...” (Water Rights, 1995). Furthermore, the Water Management Board found if increased cost or decreased production as a result of impacts on artesian head pressure by legitimate users is to be considered as an unlawful impairment, it would also conflict with SDCL 46-1-4 (Water Rights, 1995). When considering the statutes (SDCL 46-1-4 and 46-6-6.1), rules (ARSD 74:02:04:20 (6) and (7)), the saturated thickness of the Dakota aquifer in Tripp County, the lack of well interference complaints for adequate wells completed into the Dakota aquifer in Tripp County (Water Rights, 2025e), any drawdown created from the diversion is not expected to cause an unlawful impairment to existing water right/permit holders or domestic users with adequate wells. Therefore, there is a reasonable probability that any interference from the proposed appropriation will not impose unlawful impairments to existing users with adequate wells.

Special Consideration: Well Construction

The well to be constructed for this application needs to meet the adequate well construction standards as defined in ARSD 74:02:04:20(6). An adequate well has been defined in ARSD 74:02:04:20(6) as:

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

Dakota aquifer wells constructed per the alternative rule (74:0204:35), are not fully grouted, and do not have the ability to have a pump installed 20 feet into the saturated aquifer as required in ARSD 74:02:04:20(6). Furthermore, the alternative well construction standard for certain Dakota aquifer wells (74:02:04:35) are not permitted for appropriative uses when a new well is constructed. This also applies to any future additional wells or replacement.

CONCLUSIONS:

1. Water Permit Application No. 2890-2 proposes to appropriate 0.89 cfs from one well to be completed into the Dakota aquifer (approximately 1,200 to 1,400 feet deep) located in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 33 for the irrigation of 95 acres located in the SE $\frac{1}{4}$ Section 33; all in T102N-R77W. The applicants propose to divert water from the well into wastewater lagoons (2-acre surface area) located in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 33-T102N-R77W, which will also capture runoff from the feedlot. Water from the well will be used to dilute the wastewater effluent before being applied for the irrigation of 95 acres located in the SE $\frac{1}{4}$ Section 33-T102N-R77W. This site is located approximately 17 miles northwest of Winner, SD in Tripp County.
2. The Water Management Board concluded that in reference to SDCL 46-6-3.1, “withdrawals” applies only to water placed to beneficial use via appropriations or domestic use.
3. The Water Management Board’s position has been to optimize development of water for beneficial use from the Dakota aquifer.
4. Based on observation well data and the hydrologic budget, there is a reasonable probability that unappropriated water is available from the Dakota aquifer to supply the proposed appropriation.

5. There is a reasonable probability that the diversion by Water Permit Application No. 2890-2 will not unlawfully impair adequate wells for existing water rights/permits and domestic uses.
6. The well for this application and any potential additional wells or future replacement wells must meet the adequate well construction standard per ARSD 74:02:04:20(6) and may not be constructed using the alternative well construction method defined in ARSD 74:02:04:35.



Tyler Jensen
Natural Resources Engineer I
SD DANR - Water Rights Program

Reviewed by:



Adam Mathiowetz, PE
Natural Resources Engineer IV
SD DANR -Water Rights Program

References

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- Water Rights, 2025c. Water Right/Permit Files, SD DANR-Water Rights Program, Joe Foss Bldg, Pierre, SD.
- Water Rights, 2025d. Well Completion Reports, SD DANR-Water Rights Program, Joe Foss Bldg, Pierre, SD.
- Water Rights, 2025e. County Files, SD DANR-Water Rights Program, Joe Foss Bldg, Pierre, SD.



**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 NEWSPAPERS RIGHT AWAY.**

July 3, 2025

Leonard and Jeannie Heim
Ideal Bison Ranch LLC.
26203 US Hwy 183
Winner SD 57580

Dear Mr. Heim:

Water Permit Application No. 2890-2 for irrigation use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice has been sent to the Winner Advocate printed at Winner SD (Ph # 605 842-1481) and the Plainsman printed at Huron SD (Ph # 605 353-7414). You will need to contact the newspapers 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 newspapers to authorize publication of your Notice and to arrange for payment. Early contact with the papers can eliminate delays. Upon receiving authorization from you, the publishers have been instructed to publish your notice. The newspapers have 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. 2890-2 to Appropriate Water

Notice is given that Leonard and Jeannie Heim AKA Ideal Bison Ranch LLC., 26203 US Hwy 183, Winner SD 57580, has filed an application for a water permit to appropriate 0.89 cubic feet of water per second from one well to be completed into the Dakota Aquifer (approximately 1,200 to 1,400 feet deep) located in the NE 1/4 NE 1/4 Section 33 for irrigation of 95 acres located in the SE 1/4 Section 33; all in T102N-R77W. The applicants propose to divert water from the well into wastewater lagoons (2 acre surface area) located in the NE 1/4 NE 1/4 Section 33-T102N-R77W, which will also capture runoff from the feedlot. Water from the well will be used to dilute the wastewater effluent before being applied for irrigation of 95 acres located in the SE 1/4 Section 33-T102N-R77W. This site is located approximately seventeen miles northwest of Winner SD.

Pursuant to SDCL 46-2A-2, the Acting Chief Engineer recommends APPROVAL of Application No. 2890-2 with qualifications because 1) unappropriated water is available, 2) existing domestic water uses and water rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest as it pertains to matters 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 July 28, 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 July 28, 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: Rodriguez, Rachel
Sent: Thursday, July 3, 2025 8:34 AM
To: winneradvocate@hotmail.com
Subject: 2890-2 Leonard & Jeannie Heim - Public Notice
Attachments: 2890-2 public.short_final.docx; FORM8.FRM.doc; 2890-2 public.short_final.docx

Attached is a notice to be published on July 16, 2025.

Leonard and Jeannie Heim AKA Ideal Bison Ranch LLC., 26203 US Hwy 183, Winner SD 57580, 605-879-2020, 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



Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Thursday, July 3, 2025 8:35 AM
To: Ruby Crandall
Subject: 2890-2 Leonard & Jeannie Heim - Public Notice
Attachments: 2890-2 public.short_final.docx; FORM8.FRM.doc; 2890-2 public.short_final.docx

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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

State of South Dakota, county of Tripp-ss.

Dan Bechtold

of said county being first duly sworn, on oath says that he
is the Editor of the

WINNER ADVOCATE

a weekly newspaper printed and published at Winner, said
county of Tripp, and has full and personal knowledge of all
the facts herein stated that said newspaper is a legal
newspaper and has a bona fide circulation of at least two
hundred copies weekly and has been published within said
county for fifty-two successive weeks prior to the
publication of the notice herein mentioned, and was
printed wholly or in part in an office maintained at said
place of publication; that the

106 lines @ 1 column X 90%

Application 2890-2

Leonard Heim

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

7-16-2025

That the full amount of the fees for the publication of the
*annexed notice is \$40.83

Subscribed and sworn to before me this 16th
day of July, 2025

Laura Brown

Notary Public

County of Tripp, South Dakota

My Commission Expires June 20, 2031



RECEIVED

JUL 28 2025

OFFICE OF
WATER

NOTICE OF APPLICATION NO. 2890-2

To Appropriate Water

Notice is given that Leonard and Jeannie Heim AKA Ideal Bison Ranch LLC., 26203 US Hwy 183, Winner SD 57580, has filed an application for a water permit to appropriate 0.89 cubic feet of water per second from one well to be completed into the Dakota Aquifer (approximately 1,200 to 1,400 feet deep located in the NE 1/4 NE 1/4 Section 33 for irrigation of 95 acres located in the SE 1/4 Section 33; all in T102N-R77W. The applicants propose to divert water from the well into wastewater lagoons (2 acre surface area) located in the NE 1/4 NE 1/4 Section 33-T102N-R77W, which will also capture runoff from the feedlot. Water from the well will be used to dilute the wastewater effluent before being applied for irrigation of 95 acres located in the SE 1/4 Section 33-T102N-R77W. This site is located approximately seventeen miles northwest of Winner SD.

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official use of water, and 4) it is in the public interest as it pertains to matters 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 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 provide 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 57701" 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 by either an interested person or the applicant must be filed by July 28, 2025.

The petition shall include a statement describing the unique injury upon approval of the application on the petitioner, the petitioner's reason 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 July 28, 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 \$40.83 (29) and may be viewed for free online at www.sdpublicnotices.com

Proof Of Publication

Huron Plainsman
49 3rd Street SE
Huron, SD 57350
605-353-7402
Legal Notice Number: 3194

I, Shelly Ames, being duly sworn on oath say that the Plainsman is a daily paper published at Huron, Beadle County South Dakota, and that said newspaper has a bona fide circulation of at least 250 copies daily; that said newspaper has been published within said county for fifty-two consecutive weeks immediately prior to this date, that said newspaper is printed in whole or in part, in an office maintained at said place of publication; that I am a Legal Advertising Leonard and Jeannie Heim – 2890-2 published for one day, in said newspaper and not in any supplement of the said newspaper, the publication was on 7/16/2025. The full amount of the fee charged for publishing \$47.82 is to the benefit of the publisher of said newspaper; that no agreement or understanding of the division thereof has been made with any other person, and that no part thereof has been agreed to be paid to any person whomever.

Shelly Ames

Subscribed and sworn to me before this date 7-16-2025

[Signature]

Notary Public, South Dakota

My Term Expires 04/26/2028



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 July 28, 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 July 28, 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 pur-

F. P. 07-16-25

**NOTICE OF
APPLICATION
NO. 2890-2 to
Appropriate Water**

Notice is given that Leonard and Jeannie Heim AKA Ideal Bison Ranch LLC., 26203 US Hwy 183, Winner SD 57580, has filed an application for a water permit to appropriate 0.89 cubic feet of water per second from one well to be completed into the Dakota Aquifer (approximately 1,200 to 1,400 feet deep) located in the NE 1/4 NE 1/4 Section 33 for irrigation of 95 acres located in the SE 1/4 Section 33; all in T102N-R77W. The applicants propose to divert water from the well into wastewater lagoons (2 acre surface area) located in the NE 1/4 NE 1/4 Section 33-T102N-R77W, which will also capture runoff from the feedlot. Water from the well will be used to dilute the wastewater effluent before being applied for irrigation of 95 acres located in the SE 1/4 Section 33-T102N-R77W. This site is located approximately seventeen miles northwest of Winner SD.

Pursuant to SDCL 46-2A-2, the Acting Chief Engineer recommends APPROVAL of Application No. 2890-2 with qualifications because 1) unappropriated water is available, 2) existing domestic water uses and water rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest as it pertains to matters 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

suant 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.

No. 3194 (adv.)
Published once at the total approximate cost of \$47.82 and may be viewed free of charge at www.sdpublicnotices.com.

Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Thursday, July 3, 2025 8:37 AM
To: lenjeannie@hotmail.com
Subject: 2890-2 Leonard & Jeannie Heim - Public Notice
Attachments: 2890-2 Rec.pdf; 2890-2 Letter.pdf; 2890-2 PubNotice.pdf

Good morning,

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





**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

SEP 05 2025

Leonard and Jeannie Heim
AKA Ideal Bison Ranch LLC.
26203 US Hwy 183
Winner SD 57580

Dear Mr. & Mrs. Heim:

Enclosed is Water Permit No. 2890-2 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.: 2890-2

Name of Applicant: Ideal Bison Ranch LLC, Leonard & Jeannie Heim

Date of Posting: 7/14/2025

Date of Removal: 9/5/2025

Ron Duvall, Engineer III

9/5/2025

Date

Subscribed and sworn to before me, a notary public, this 5th day of Sep, 2025.

Notary Public - South Dakota

My commission expires:

Rachel Rodriguez
My Commission Expires
May 16, 2029

(SEAL)

