

WATER PERMIT NO. 2904-2

Name of Applicant: **H & H Land Co. #2 LLC**

Address: **1424 Pevans Parkway, Rapid City SD 57701**

Phone: **605-381-3810**

Amount of Water Claimed: **46 AF**

Total Acres: **N/A**

Source of Water Supply: **Groundwater**

Water to be used for: **WDS**

County: **Pennington**

Type of Waste Disposal System:

Location: **Approx. 10 miles southeast of Rapid City**

PRIORITY

Date Received: **01-26-26**

Application/License Fee: **\$500.00**

Corrected Application Received: **01-27-26**

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

Remarks:

Diversion Point: **NW 1/4 NW 1/4 Sec 7-T1S-R10E**

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

Depth of Well: **2,615**

Well Driller: **Rapid Drilling LLC**

Remarks:

Type of Map: **aerial**

	x				
			7		

Reviewed and the Number Assigned on: **02-19-26**

By: **Rachel Rodriguez**

Notice of Hearing - date to intervene: _____

SOUTH DAKOTA
WATER PERMIT NO. 2904-2

Date of first receipt of application January 26, 2026.

Date of return to applicant for corrections, amendments or changes January 27, 2026.

Date of receipt of corrected application January 27, 2026.

The Acting Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 2904-2 to H & H Land Co. #2 LLC, 1424 Pevans Parkway, Rapid City SD 57701, 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. 2904-2 appropriates up to 46 acre-feet of water annually at a maximum pump rate of 0.10 cubic feet of water per second from one existing well completed into the Inyan Kara Aquifer (2,615 feet deep) located in the NW 1/4 NW 1/4 Section 7-T1S-R10E for use in a water distribution system serving connections in portions of Sections 13, 24, 25, and 26; all in T1S-R9E & portions of Sections 6, 7, 19, and 30; all in T1S-R10E. This site is located in Pennington County, approximately ten miles southeast of Rapid City SD.
2. The water appropriated shall be used for the purpose of water distribution system 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. 2904-2 is April 17, 2026.
5. The date from which applicant may claim right is January 26, 2026.
6. One-fifth of the construction is to be completed on or before October 17, 2028.
7. All construction is to be completed on or before April 17, 2031.
8. Water is to be put to beneficial use on or before April 17, 2035.
9. 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 this Permit 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 Permit holder must report to the Chief Engineer annually the amount of water withdrawn from the Inyan Kara Aquifer.
3. This permit is limited to an annual withdrawal of 46 acre-feet per year from the Inyan Kara aquifer.

WATER MANAGEMENT BOARD

By: 
Adam Mathiowetz, PE
Acting Chief Engineer
Water Rights Program
Department of Agriculture and Natural Resources

May 15, 2026
date



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

Mail to: SD DANR, Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. <u>2904-2</u> Hydrologic Unit <u>10120110</u> Basin <u>Cheyenne</u> Newspaper <u>Rapid City Journal</u> (office use only)
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JAN 26 2026

Water Rights
Program

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. _____

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

1. Name to Appear on Water Permit H & H Land Co. #2 LLC

Mailing Address 1424 Pevans Parkway

(Address)

Rapid City

(City)

SD

(State)

57701

(Zip Code)

Phone 605-381-3810

Mobile 605-381-3810

Email brinhammerbeck@gmail.com

2. Amount of water claimed 0.1 *CFS or 45 **GPM and 46.0 ***AF or _____ 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)

3. Source of water supply existing well - Inyan Kara Aq

4. Location of point of diversion W 1/2 NW 1/4 Section 7 T15R10E

(example - 3 wells in SW 1/4 NE 1/4 section 12-T104N-R53W)

County Pennington

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? It is a public water system.

(example - NW 1/4 section 12-T104N-R53W)

5. County or counties where water will be used Pennington

6. Annual period during which water is to be used January 1 - December 31

7. 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)

Developed deep well being used to supply water distribution system requiring approx. 46 ac-ft annually at a maximum pump rate of 45 gpm.

1. Brin Oandell, member

Name of Person

member

Title (if applicable)

, the applicant, certify under

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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Form 2A
(Complete applicable portions only)

Supplemental Information

(type or print)

Water Rights
Program

1. 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 Rapid Drilling LLC

For either existing or proposed wells:

c) Well Depth (required) 2615 Depth to Top of Water Bearing Material _____ Depth to Water from Surface 275

d) Distance to nearest domestic well on applicant's property none Property owned by others _____

2. Wastewater Disposal System Information

a) Type of System (i.e. septic tank, drain field) today: septic tanks and drain fields ~ 3 miles south of well

b) System Capacity (gallons) unknown Year Constructed unknown

c) Connected to the City of N/A Sanitary System not connected

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)

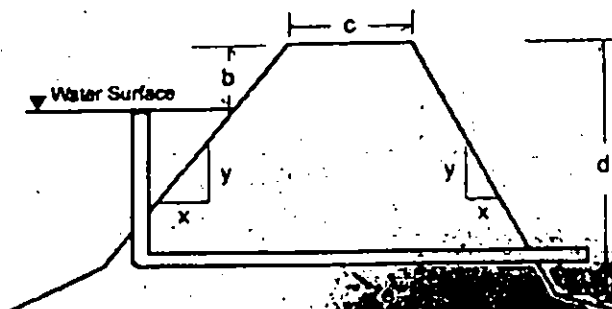
Upstream _____

Downstream _____

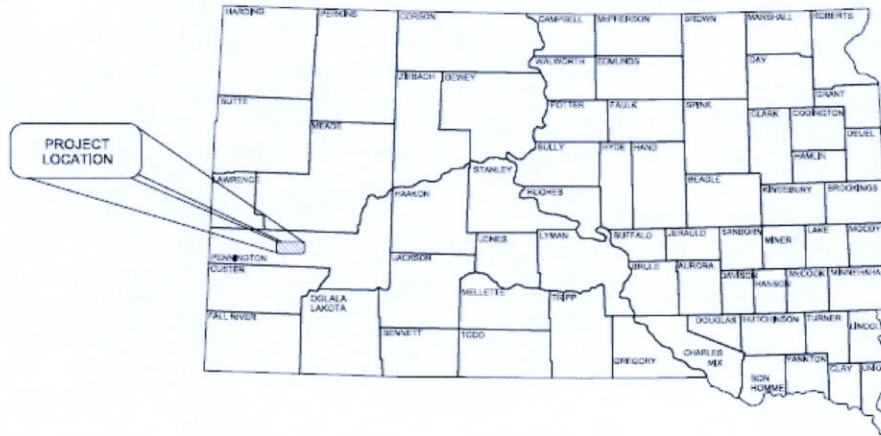
h) Area of Impoundment _____

i) Surface Area of Dam _____

j) Distance Above Dam _____ Acres

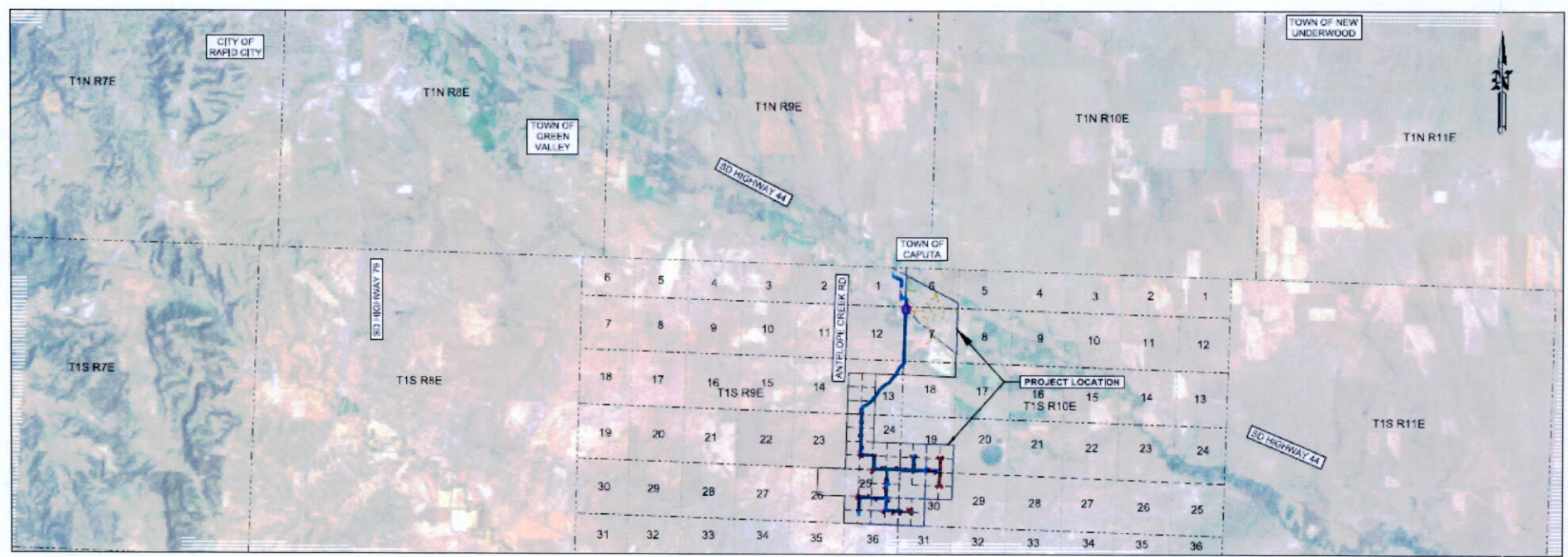


2021-08



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1 PROJECT LOCATION MAP
 2



SHEET			
A.02			
PROJ:		2502158	
DATE:		1/28/26	
DRAWN:		CVS	
CHECKED:		CS	
REV	DATE	BY	DESCRIPTION
1	XXXXXX/26		-
2			-
3			-
4			-
5			-

H&H LAND CO#2, LLC
 WATER SYSTEM EXPANSION
 VICINITY MAP



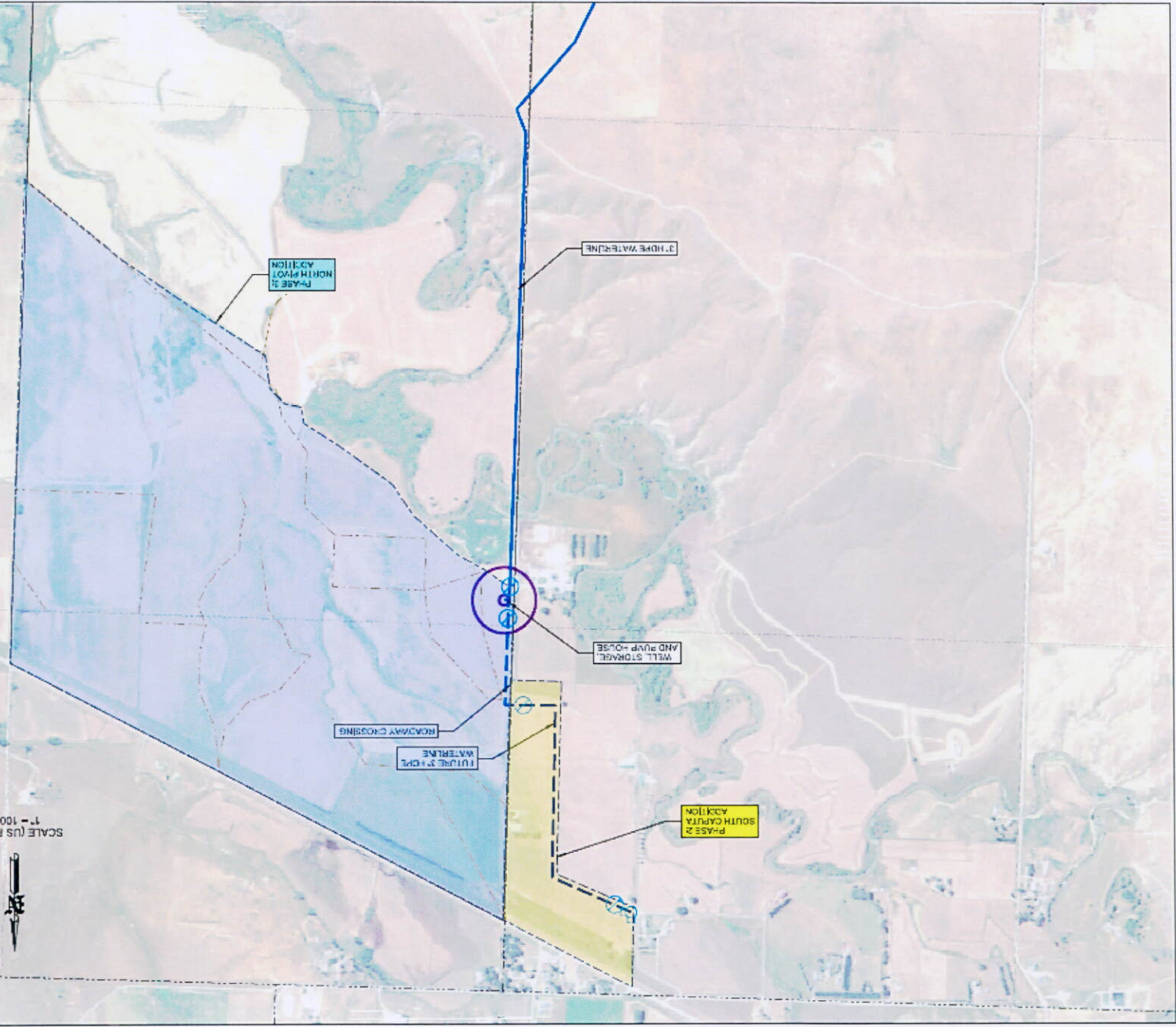
3030 Airport Road
Pierre, SD 57501
(605) 224-1123
www.broszeng.com

H&H LAND CO#2, LLC
WATER SYSTEM EXPANSION
PLAN SHEET

REV		DATE	BY	DESCRIPTION
1	10/20/2020	CS		
2				
3				
4				
5				
CHECKED:		CS		
DRAWN:		CVS		
DATE:		1/29/20		
PROJ#:		2502190		
SHEET		J.01		

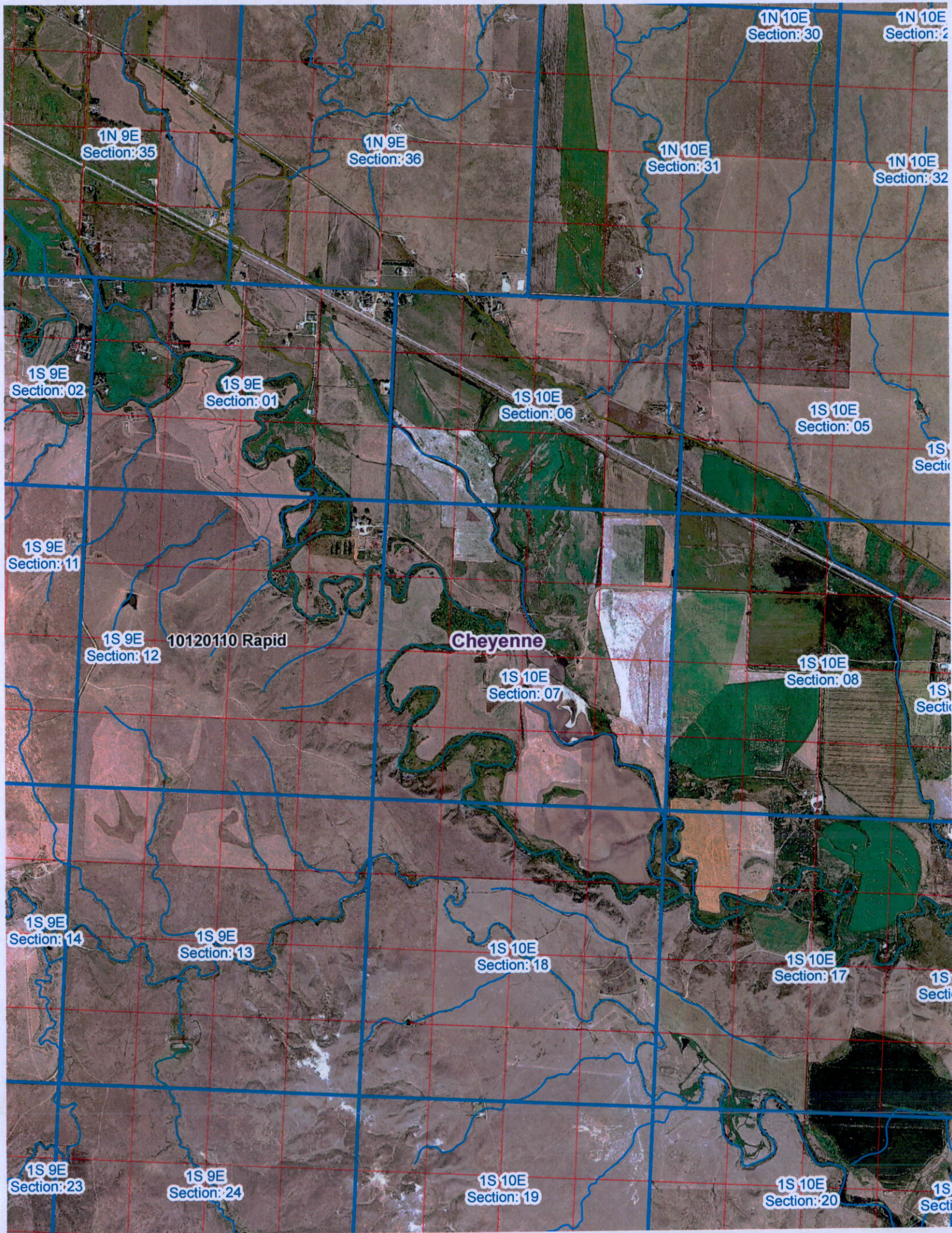
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SCALE (US FEET):
1" = 1000'



STATION	DESCRIPTION	QTY	UNIT
PHASE 2 ONLY			
	8" C100 PVC PIPE	950	FT
	RESTRAINED	150	FT
	8" DIRECTIONAL DRILL	120	FT
	8" GATE VALVE	2	EA
	BLOWOFF HYDRAUT	1	EA
	3 HOPE DIRT	3500	FT
	3" MA ADAPTER	1	EA
	3" HOPE REDUCER	1	EA
	8" GATE VALVE	1	EA
	1" SERVICE CONNECTIONS	10	EA





SOUTH DAKOTA WATER WELL COMPLETION REPORT

11-02

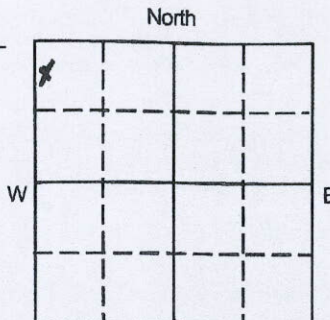
Location NW 1/4 NW 1/4 Sec 07 Twp 15 Rg 10E

County Pennington

GPS Coordinates

Lat.: _____

Lon.: _____



Please mark well location with an "X" on section grid

Well completion Date

5-20-2024



Distance from nearest potential pollution source (Septic tank, abandoned well, feed lot, etc.)

? 500 ft. from Septic (Identify source)

PROPOSED USE:

- ☐ Domestic/Stock ☐ Municipal ☐ Business ☐ Monitoring Well
☐ Irrigation ☐ Industrial ☐ Institutional ☐ Test Hole
☐ Dewatering Well ☐ Geothermal ☐ Other _____

METHOD OF DRILLING:

Mud Rotary

CASING DATA:

☒ Steel ☐ Plastic ☐ Other

If other describe

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
36 LB/FT	4 3/8 IN	0 FT	38 FT	12 1/4 IN
23 LB/FT	7" IN	0 FT	960 FT	8 3/4 IN
11 1/2 LB/FT	4 1/2 IN	940 FT	2600 FT	6 1/4 IN

GROUTING DATA:

Grout Type	No. of Sacks	Grout Weight	From	To
Cement	12	Lb/gal	0 FT	38 FT
Cement	164	Lb/gal	10 FT	960 FT

Describe grouting procedure Cement 192 940 2600
Pressure Grouted Through Casing

SCREEN:

☐ Perforated pipe ☐ Manufactured

Diameter _____ Inches Length _____ Feet

Material _____

Slot Size _____ Set From _____ Feet to _____ Feet

Other information _____

WAS A PACKER OR SEAL USED?

☐ Yes ☒ No

If so, what material? _____

Describe packer(s) and location _____

DISINFECTION: Was well disinfected upon completion?

☐ Yes, How? _____

☒ No, Why Not? Not Completed

Lab sample sent to for water quality analysis _____

Well Owner: Hand H Co #2 LLC

Business Name: _____

Address: 23608 Saint Germaine Rd.

City, State, Zip: Capota SD 57725

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
Till / Gravel.	0	25
Shale	25	1400
Green Horn	1400	1455
Shale	1455	2025
Sand.	2025	2045
Shale	2045	2295
Fall River / Lakota Sand.	2295	2555
Morrison	2555	2615

STATIC WATER LEVEL

275 FEET

If flowing: closed in pressure _____ PSI

GPM flow _____ through _____ Inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other

Reduced flow rate _____ GPM

Can well be completely shut in? _____

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OFFICE OF WATER

WELL TEST DATA:

☐ Pumped Describe: Air
☐ Bailed ☐ Air
☒ Other _____

Pumping Level Below Land Surface

470 Ft. After 6 Hrs. pumped 40 GPM

_____ Ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate: _____ GPM

REMARKS

Electronically Perforated.
2515 - 2535 4 shots per ft
2300 - 2316

This well was drilled under license # 739

And this report is true and accurate.

Drilling firm: Rapid Drilling LLC

Signature of License Representative: _____

Signature of Well Owner or Equitable Property Holder: _____

Brian Cunningham, member

Date: 5-26-24

Please return White Copy to DANR Water Rights 523 E. Capitol Ave., Pierre SD 57501



533229078

B0396-4451 12/04/2025 9:12PM Rec'd by SD SOS

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

2026
FILING YEAR

ANNUAL REPORT

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: \$55

Total Fee: \$55

1. Business ID and Name:

DL143525
BUSINESS ID

H & H Land Company #2, 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

**1424 PEVANS PARKWAY
RAPID CITY, SD 57701**

Mailing Address

**1424 PEVANS PARKWAY
RAPID CITY, SD 57701**

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 **Brian Hammerbeck**

Actual Street Address in this State

**1424 PEVANS PARKWAY
RAPID CITY, SD 57701**

Mailing Address in this State

**1424 PEVANS PARKWAY
RAPID CITY, SD 57701**

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.

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)

Yes

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?



No

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).

12/04/2025

Dated

Email (Optional)

Brian L. Hammerbeck

Signature of an Authorized Person

Brian L. Hammerbeck

Printed Name

B0396-4452 12/04/2025 9:12PM Rec'd by SD SOS

RECEIPT

WATER RIGHTS PROGRAM South Dakota Department of Agriculture and Natural Resources

Date January 27, 2026

RECEIVED OF H & H Land Co. #2 LLC c/o Brian Hammerbeck 1424 Pevans Parkway Rapid City SD 57701

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

Fee for Application for Permit No. <u>2904-2</u> to Appropriate Water, to construct and to put water to beneficial use	\$ <u>500.00</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>500.00</u>

By Adam Hattis
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. 2904-2, H & H Land Co. #2 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. 2904-2, H & H Land Co. #2 LLC., 1424 Pevans Parkway, Rapid City SD 57701.

The acting Chief Engineer is recommending APPROVAL of Application No. 2904-2 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 this Permit 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 Permit holder must report to the Chief Engineer annually the amount of water withdrawn from the Inyan Kara Aquifer.
3. This permit is limited to an annual withdrawal of 46 acre-feet per year from the Inyan Kara aquifer.

See report on application for additional information.

Adam Mathiowetz, PE
Acting Chief Engineer
March 27, 2025

NOTE: Any future replacement or additional well(s) constructed for this project must meet the adequate well definition as set forth in ARSD 74:02:04:20(6) and cannot use the alternative well construction standard ARSD 74:02:04:36.

Report to the Chief Engineer
On Water Permit Application No. 2904-2

H & H Land Co #2 LLC

March 26, 2026

Water Permit Application No. 2904-2 proposes to appropriate up to 46 acre-feet of water annually at a maximum instantaneous diversion rate of 0.10 cubic feet per second (cfs) (approximately 45 gallons per minute (gpm)) from one existing well completed into the Inyan Kara aquifer (2,615 feet deep) located in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 7-T1S-R10E. The water is for use in a water distribution system serving connections in portions of Sections 13, 24, 25, and 26; all in T1S-R9E & portions of Sections 6, 7, 19, & 30; all in T1S-R10E. The site of interest is located in Pennington County approximately ten miles southeast of Rapid City, SD.

AQUIFER: Inyan Kara (INKR)

HYDROGEOLOGY:

The Inyan Kara aquifer exists in the saturated portions of the permeable materials that make up the Inyan Kara Group. The Inyan Kara Group is comprised of the Lower Cretaceous aged, Fall River and Lakota Formations (Downey, 1986; Martin et al., 2004). The Inyan Kara aquifer is a regional, bedrock aquifer that underlies most of the Northern Great Plains in Montana, North Dakota, South Dakota, and Wyoming and extends up into Canada (Downey, 1986). Generally, the Lakota Formation constitutes approximately the lower two thirds of the Inyan Kara Group, and the Fall River Formation constitutes approximately the upper one third (Gott et al., 1974). The contact of these two formations is a transgressive unconformity of regional extent marking the initial incursion of the (early) Cretaceous Sea (Waage, 1959), which deposited the materials that make up the Fall River Formation (Downey, 1986). The Fall River Formation consists of a “variegated brown, red and gray to purple, calcareous, well-sorted, fine-grained sandstone, siltstone and shale containing mica,” and is estimated to be 100 to 200 feet thick (Martin et al., 2004). The Lakota Formation consists of a “yellow, brown, red-brown, and gray to black claystone, silty pebble conglomerate, and massive to thin-bedded, cross-bedded sandstone,” that can be locally interbedded with fresh-water limestone and bituminous coal beds (Martin et al., 2004). The estimated thickness of the Lakota Formation ranges from 35 to 500 feet (Martin et al., 2004). For the purpose of appropriations, the Water Management Board and the SD DANR-Water Rights Program consider the Inyan Kara Group as one aquifer.

The Inyan Kara aquifer is sometimes locally called the Sundance aquifer in eastern South Dakota (Water Rights, 2026d). However, it should not be confused with the Sundance aquifer as defined by the SD DANR-Water Rights Program, which is an aquifer deposited during the Jurassic Period (Water Rights, 2026c and 2026d).

The Inyan Kara Group outcrops in the Black Hills but is otherwise buried in South Dakota (outcrop shown in Figure 1) (Martin et al., 2004). In South Dakota, the Inyan Kara aquifer is primarily under confined conditions, except where it outcrops in the Black Hills (SDGS, 2026;

Water Rights, 2026b and 2026d). Most of the Inyan Kara aquifer is overlain by the Skull Creek Shale, which serves as a relatively impermeable barrier between the Inyan Kara and Dakota aquifers (Schoon, 1971). Where the Skull Creek Shale is not present, the Inyan Kara aquifer discharges into the Dakota aquifer (Schoon, 1971). Below most of the Inyan Kara aquifer, the Morrison Shale acts as an impermeable barrier between the Inyan Kara aquifer and the underlying aquifers below it (Schoon, 1971).

In western South Dakota, the Inyan Kara aquifer is estimated to range between 81 to 475 feet thick, underly approximately 23,239,040 acres, and contain approximately 324,169,440 acre-feet of recoverable water in storage (Allen et al., 1985). In Pennington County, the Inyan Kara Group underlies approximately 1,245,440 acres, with an average aquifer thickness of approximately 250 feet and contains approximately 23,352,000 acre-feet of recoverable water in storage (Allen et al., 1985).

A well completion report is on file for the existing well proposed to be used by Water Permit Application No. 2904-2. The report lists “Till/Gravel” from 0 to 25 feet below the ground surface, “Shale” from 25 to 1,400 feet, “Greenhorn” from 1,400 to 1,455 feet, “Shale” from 1,455 to 2,025 feet, “Sand” from 2,025 to 2,045 feet, “Shale” from 2,045 to 2,295 feet, “Fall River/Lakota Sand” from 2,295 to 2,555 feet, and “Morrison” from 2,555 to 2,615 feet. The well was electronically perforated from 2,300 to 2,316 feet and 2,515 to 2,535 feet below the ground surface and had a static water level of approximately 275 feet below the ground level at the time of well completion (May 20, 2024). Based on the submitted well completion report, well completion reports on file for nearby wells completed into the aquifer, and lithologic logs on file for nearby observation wells, the Inyan Kara aquifer is confined at the existing well location (SDGS, 2026; Water Rights, 2026b and 2026d).

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 there is unappropriated water available for the applicant’s proposed use, that the diversion point can be developed without unlawful impairment of existing domestic water uses and water rights, and that the proposed use is a beneficial use and in the public interest as it pertains to matters of public interest within the regulatory authority of the Water Management Board 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 water uses and water rights within the Inyan Kara aquifer.

WATER AVAILABILITY:

Water Permit Application No. 2904-2 proposes to appropriate water from the Inyan Kara aquifer. The probability of unappropriated water being available from the aquifer can be evaluated by considering SDCL 46-6-3.1, which requires “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 Inyan Kara aquifer is older than and stratigraphically lower than the Greenhorn Formation (Fahrenbach et al., 2010) and the applicant’s proposed use is for use in a water distribution system as defined by SDCL 46-1-6(17). Therefore, the Water Management Board’s authority to approve this application is not restricted by whether or not recharge exceeds withdrawals. However, since unappropriated water being available is a consideration in recommending approval of an application, a hydrologic budget analyzing average annual recharge and average annual withdrawal rates to and from the Inyan Kara aquifer is included in this technical report for the information of the Chief Engineer and Water Management Board.

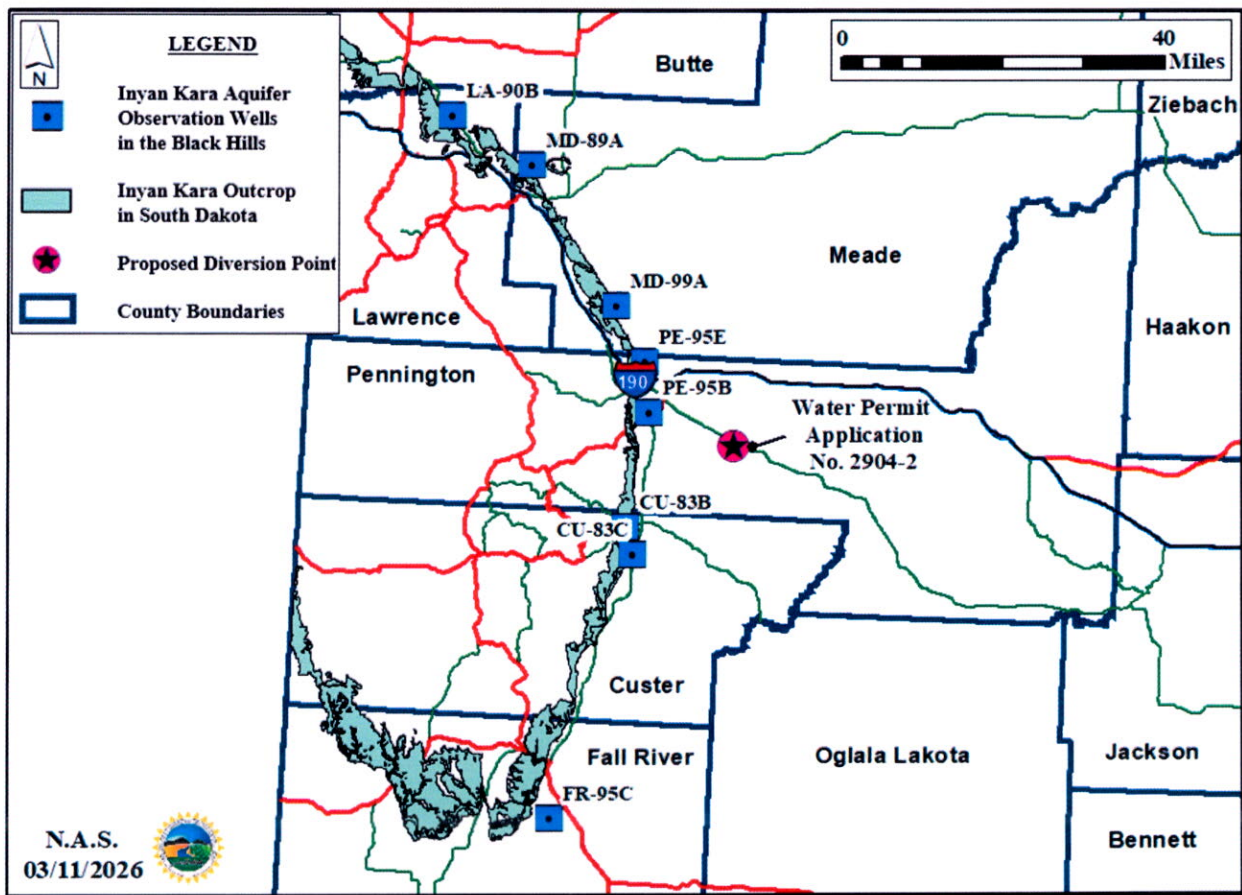


Figure 1. Inyan Kara outcrop in the Black Hills in South Dakota (Martin et al., 2004), Inyan Kara observation wells in the Black Hills (Water Rights, 2026b) and the location of the existing well proposed to be used by Water Permit Application No. 2904-2 (Water Rights, 2026d)

HYDROLOGIC BUDGET:

Recharge

Recharge to the Inyan Kara aquifer is primarily through streamflow losses and the infiltration of precipitation where the formation outcrops (Lobmeyer, 1985). Additionally, the aquifer appears to be receiving some recharge through upward leakage from underlying bedrock units (Hamilton, 1986; Lobmeyer, 1985); such as, the Madison Limestone, Minnelusa Formation, and Englewood Formation (Gott et al., 1974; Hamilton, 1986).

The outcrop area of the Inyan Kara aquifer in the Black Hills, South Dakota is estimated to be 267,806 acres with a total estimated precipitation-only recharge of 14,406 acre-feet per year (Medler & others, 2025). This estimate does not account for leakage from underlying aquifers in areas that were not included in the study area (Medler & others, 2025). The Inyan Kara aquifer also receives recharge from inflow of groundwater from adjacent aquifers when the hydraulic head of Inyan Kara aquifer is lower than adjacent aquifers (Lobmeyer, 1985). Bredehoeft & others (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 & others (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 & others (1983) by several aquifers and impermeable shales, some of which were lumped into the Madison Group description in Bredehoeft & others (1983) (Fahrenbach & others, 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 30,406 acre-feet per year (Bredehoeft & others, 1983; Medler & others, 2025).

Discharge

Discharge from the Inyan Kara aquifer occurs primarily through well withdrawals (Water Rights, 2026d), evapotranspiration where the formation outcrops and the hydraulic head of the aquifer is near the ground surface, seepage to surface water features when the hydraulic head of the aquifer is above the stage of the surface water feature the aquifer is hydrologically connected to, and groundwater outflow to aquifers in contact with the Inyan Kara aquifer.

Currently, there are 211 water rights/permits authorized to withdraw water from the Inyan Kara aquifer, plus one application held in abeyance (Water Permit Application No. 2686-2 for Powertech (USA)) requesting 274.2 acre-feet of water annually from the Inyan Kara aquifer (Water Rights, 2026c). Four additional water rights/permits (Nos. 6011-3, 6091-3, 6128-3 and 6257-3) are included in this analysis as they are authorized to withdraw from the Dakota and Inyan Kara aquifers; however, for this analysis, these water rights/permits are assumed to withdraw only from the Inyan Kara aquifer (Water Rights, 2026c). Additionally, there is one future use permit (Future Use Permit No. 1780-2, held by the Town of New Underwood)

reserving 142 acre-feet of water annually from the Inyan Kara aquifer (Water Rights, 2026c). For the purpose of estimating average annual withdrawals, the future use permit is assumed to be fully developable for a total of 142 acre-feet per year.

Of the 211 Inyan Kara aquifer water rights/permits, 195 are for non-irrigation use (Water Rights, 2026c). Eleven municipal or suburban housing development water rights/permits are known by the DANR to be on standby for emergency use because they are obtaining their water from a rural water system or are supplied by a municipality (Table 1) (Drinking Water Program, 2026; Water Rights, 2026c). As such, the average annual water use for these water rights has been estimated to be zero acre-feet per year.

Table 1. Inyan Kara municipal or suburban housing development water rights/permits with wells on stand-by (Drinking Water Program, 2026; Water Rights, 2026c)

Permit No.	Status	Name	Use Type	Authorized Diversion Rate (cfs)	Served By:
1360-2	LC	Aladdin Investments Inc	SHD	0.15	Supplied by Rapid City
2224-3	LC	Sunshine Acres Water System	SHD	0.22	Mid Dakota RWS
2279-3	LC	Camelot Land	SHD	0.22	Supplied by City of Pierre
2442-2	LC	Rainbow Water Co Inc	SHD	0.09	Supplied by Rapid City
473-1	LC	Town of Fruitdale	MUN	1	Butte-Meade RWS
595-3	LC	City of Onida	MUN	1.11	Mid Dakota RWS
1198-3	LC	Town of Mound City	MUN	0.17	WEB RWS
1647-2	LC	Town of Quinn	MUN	0.2	West River/Lyman Jones RWS
1712-3	LC	City of Ipswich	MUN	0.19	WEB RWS
2263-2	LC	Town of Belvidere	MUN	0.17	West River/Lyman Jones RWS
6735-3	LC	City of Eureka	MUN	1.48	WEB RWS

LC: Licensed Water Right, SHD: Suburban Housing Development, MUN: Municipal, RWS: Rural Water System

The average annual withdrawal rate for the fifteen Inyan Kara aquifer non-irrigation water rights/permits who operate a Concentrated Animal Feeding Operation (CAFO) was estimated by multiplying the number of permitted animals by the average daily use for each type of animal permitted (Ag-Info Centre, 2009; CAFO Permitting Database, 2026; Water Rights, 2026c) (Table 2). However, if that estimated withdrawal rate was higher than the annual limit authorized by the water right/permit, the annual volume limit was assumed to be the estimated use for that user. Overall, the average annual withdrawal rate for the Inyan Kara aquifer water rights/permits authorizing water to be used in a CAFO is approximately 1,432 acre-feet per year (Ag-Info Centre, 2009; CAFO Permitting Database, 2026; Water Rights, 2026c) (Table 3).

Table 2. Estimated annual water use for the Inyan Kara aquifer water rights/permits authorizing water to be used in a CAFO (Ag-Info Centre, 2009; CAFO Permitting Database, 2026; Water Rights, 2026c)

Permit No.	Status	Name	Authorized Diversion Rate (cfs)	County	Annual Limit (ac-ft/yr)	Estimated Livestock Needs (ac-ft/yr)	Estimated Use (ac-ft/yr)
2178-2	LC	Fall River Feed Yard LLC	0.62	FR	449.1	280.2	280.2
4965-3	LC	Dakota Feeding Company LLC	0.33	SU	239.1	168	168
5879-3	LC	Danbred Production Partnership	0.71	SU	514.5	100.7	101
5890-3	LC	Evergreen Colony	0.14	FA	101.4	189.2	101.4
6011-3	LC	Plainview Colony Httm	0.22	ED	159.4	135.2	135.2
6091-3	PE	Brentwood Colony	0.1	FA	72.4	57.9	57.9
6128-3	LC	Deerfield Httm Brethren	0.27	ED	195.6	70.1	70.1
6257-3	PE	Thunderbird Colony	0.2	FA	144.9	148.6	144.9
6376-3	LC	LDL Cattle Company	0.22	ED	159.4	112.1	112
6377-3	LC	LDL Cattle Company	0.27	ED	195.6		
6619-3	PE	PJ Werdel & Sons	0.33	HD	239.1	112.1	112
6851-3	LC	Todd Cowan	0.15	HY	108.7	46.2	46.2
7034-3	LC	Vogel & Sautner Farms	0.123	PT	89.1	44.8	44.8
7098-3	LC	Mike & Jessie Fuller	0.04	SU	29	42.6	29
7209-3	LC	Paul Oberlitner	0.04	PT	29	61.6	29
LC: Licensed Water Right; PE: Water Permit			TOTAL (acre-feet/year):		2,726	1,570	1,432
FR: Fall River; PT: Pennington; SU: Sully; FA: Faulk; ED: Edmunds; HY: Hyde; HD: Hand							

There are 45 non-irrigation water rights/permits that are required to report their annual usage from the Inyan Kara aquifer to the DANR-Water Rights Program (Water Rights, 2026c and 2026f). Of the 45 water rights/permits, 24 have withdrawn a consistent volume from the Inyan Kara aquifer each year. As such, the average annual withdrawal rate estimated for these water rights/permits was the reported volume of water withdrawn by these users averaged over the respective period of reported record for each water right/permit (Water Rights, 2026c and 2026f) (Table 3). The remaining 21 non-irrigation water rights/permits required to report their annual usage have had less consistent withdrawals over their respective period of record or are still undergoing development of their permit (Water Rights, 2026c and 2026f). The average annual withdrawal rate estimated for these water rights/permits was assumed to be their entire respective annual volume limitation. Overall, the average annual withdrawal rate for the Inyan Kara non-irrigation water rights/permits that are required to report their annual volume withdrawn (to the Water Rights Program) is approximately 3,870 acre-feet per year (Table 3).

Table 3. Estimated annual water use for the Inyan Kara aquifer water rights/permits who are required to report their withdrawal rate to the Water Rights Program (Water Rights, 2026c and 2026f)

Permit No.	Name	Status	Use Type	Authorized Diversion Rate (cfs)	Priority Date	Annual Volume (acre-feet/year)	Estimated Use (acre-feet/year)	Estimation Method
1826-1	Golden Valley Water Company LLC	LC	SHD	0.267	09/01/2004		20.0	Average
1837-1	Guy Mann (Prairie Haven)	LC	SHD	0.22	02/28/2005		3.7	Average
1846-1	Dennis or Anna Mae Beckham	LC	SHD	0.1	05/26/2005		4.7	Average
1857-1	Shade Valley Inc	LC	COM	0.33	03/03/2006		0.70	Average
1874-1	Viewfield Rural Water Assoc.	LC	RWS	0.212	01/03/2007		16.1	Average
1898-1		LC	RWS	0.394	11/14/2007		33	Average
1903-1	Castle Rock Group	LC	DOM	0.11	05/19/2009		16.0	Average
1906-1	City of Sturgis	LC	MUN	0.222	08/21/2009		2.7	Average
1958-1		LC	MUN	0.088	04/11/2016	8.1		
1920-1	Elk Valley Ranchettes Homeowners Assoc.	LC	SHD	0.1	01/24/2011		6.71	Average
1968-1	Venekamps LLC	PE	SHD	0.11	04/27/2017	29	29	Volume
1983-1	Continental Resources	PE	IND	0.5	07/10/2018	360	360	Volume
1989-1	Luff Exploration Company	PE	IND	0.1	04/09/2019	58.8	58.8	Volume
2165-2	Tightline Lake Estates Homeowners Assoc. Inc.	LC	COM, SHD, REC, DOM	0.07	02/19/1991		9.1	Average
2285A-2	West River - Lyman Jones	LC	RWS	0.56	05/17/1993		128.3	Average
2464-2		LC	RWS	0.76	07/26/2011	360	132.1	Average
2465-2		LC	RWS	1	07/26/2011	360	173	Average
2797-2		PE	RWS	1	04/01/2019	455	455	Volume
2538-2	JKRK Propoerties LLC - Timberwood Park	PE	SHD	0.244	08/30/2004		16.2	Average
2543-2	Southern Black Hills Water System	LC	SHD	0.19	09/30/2004		17	Average
2752-2		PE	RWS	0.33	04/25/2016	170	170	Volume
2752A-2		PE	RWS	0	04/25/2016	0		
2754-2	Steve Simunek	LC	COM	0.1	05/31/2016		16.25	Average
2550-2	Town of Hermosa	LC	MUN	0.22	01/25/2005	162	52	Average
2596-2	City of Wall	LC	MUN	0.6	07/24/2006	261	148.3	Average
2601-2	Grandview Land LLC	LC	SHD	0.33	09/01/2006	206	2.4	Average
2622-2	Owanka Rural Water Assoc.	LC	RWS	0.39	10/09/2007		23.3	Average
2635-2	Fall River Water Users District	LC	SHD	0.1	07/17/2008		11.8	Average
2819-2		PE	RWS	0.09	06/01/2021	24.6	24.6	Volume
2778-2	Western Construction Inc	PE	COM	0.17	11/13/2017	31	31	Volume
2832-2	Reel Simple LLC	PE	WDS	0.044	11/08/2021	10	10	Volume
8197-3	Aberdeen Farm LLC	PE	COM	0.16	01/29/2016	72.1	72.1	Volume
8197A-3	Mina North LLC	PE	WDS, RWS, COM, GEO	0				
8299-3	Aberdeen Energy LLC	PE	IND	1.33	09/28/2018	968	968	Volume
8420-3	Vogel Farms PTR	PE	GEO	0.12	01/28/2020	88.7	88.7	Volume
8607-3	Spring Creek Hutterian Brethren Inc	PE	COM, DOM	0.22	02/15/2022	100	100	Volume
1996-1	Dylan Gingras	PE	SHD	0.133	04/14/2020	48	48	Volume
1999-1	Rafter Properties LLC	PE	WDS	0.17	07/23/2020	74	74	Volume
2841-2	Hwy 79 LLC	PE	COM, WDS	0.89	02/18/2022	217.9	217.9	Volume
1855-1	Wink Cattle Co	LC	COM, DOM	0.087	01/26/2006		20	Average
1975-1		PE	COM, DOM	0.069	02/20/2018			
1975A-1		PE	COM, DOM	0	12/03/2018			
2830-2	Weinreis Brothers	PE	COM	0.33	10/04/2021	160	160	Volume
8635-3	Big Watt Digital SD LLC	PE	COM	0.89	05/09/2022	76.7	77	Volume
8972-3	Cheryl E & Erik L Nelson	PE	REC, FWP	0.1	07/22/2025	72.4	72.4	Volume
						TOTAL:	3,870	

LC: Licensed Water Right; PE: Water Permit; RWS: Rural Water System; SHD: Suburban Housing Development; DOM: Domestic; MUN: Municipal; COM: Commercial; IND: Industrial; GEO: Geothermal; WDS: Water Distribution System

The DANR-Drinking Water Program requires public water systems to report their annual production rate. Thirteen water rights/permits were identified for public water systems using the Inyan Kara aquifer as their only water source (Water Rights, 2026c). The 2024 reported production rate for these systems was assumed to be the average annual withdrawal rate for their associated water rights/permits in this analysis (Table 4) (Drinking Water Program, 2026).

Table 4. Estimated annual use for the water rights/permits for public water systems using the Inyan Kara aquifer as their only water source (Drinking Water Program, 2026; Water Rights, 2026c)

Permit No.	Name	Status	Use Type	Authorized Diversion Rate (cfs)	Priority Date	Estimated Use (acre-feet/year)
1793-1	Autumn Meadows Sanitary District	LC	SHD	0.170	05/13/2003	4.5
716-1	City of Newell	LC	MUN	0.440	09/27/1963	50.4
731-1	City of Newell	LC	MUN	0.440	06/10/1964	
1597-1	Crooked Oaks Canyon HOA	LC	SHD	0.100	03/22/1994	4.5
2448-2	Heartland Country Ranchettes	LC	SHD	0.089	10/04/2000	6.7
1861-1	Horseshoe Acres HOA	LC	SHD	0.170	04/20/2006	15.7
1278-2	Lakeside Water Users District	LC	RWS	0.500	07/21/1975	68.3
1656-1	Lofty Pines HOA	LC	SHD	0.085	01/02/1998	4.5
2268-2	Prairie Acres LLC	LC	SHD	0.220	03/09/1993	22.4
794-2	Town of Buffalo Gap	LC	MUN	0.190	03/11/1963	12.6
660-2	Town of New Underwood	LC	MUN	0.450	03/03/1961	54.9
1947-2	Town of New Underwood	LC	MUN	0.410	06/03/1981	
366-1	Town of Nisland	LC	MUN	0.150	01/01/1939	17.3
LC: Licensed Water Right, SHD: Suburban Housing Development, MUN: Municipal, RWS: Rural Water System						TOTAL: 262

Table 5 summarizes the remaining 115 Inyan Kara aquifer non-irrigation water rights/permits (not supplied by RWS, required to report, or operating a CAFO) with the estimated annual use for each water right/permit as determined by their authorized maximum diversion rate or annual volume. Historically, average water use by non-irrigation appropriations limited by an instantaneous diversion rate have been assumed to be pumping 60% of full time at the respective authorized maximum diversion rate. Water rights/permits limited by an annual volume are assumed to withdraw their entire respective annual volume limitation. This is a standard method used by the DANR-Water Rights Program for estimating annual withdrawals by non-irrigation appropriations from an aquifer (Water Rights, 2026c). The use type determined for each water right/permit was based on the primary use categorized for each water right/permit as some permits have multiple uses (Water Rights, 2026c). Overall, the average annual withdrawal rate for the 115 remaining non-irrigation water rights/permits authorized to appropriate water from the Inyan Kara aquifer is approximately 7,455 acre-feet per year (Table 5) (Water Rights, 2026c and 2026f).

Table 5. Summary of the Inyan Kara aquifer non-irrigation water rights/permits (not supplied by RWS, required to report, or operating a CAFO) with estimated annual use determined by their respective diversion rate or annual volume (Water Rights, 2026c)

Use Type	No. of Water Rights/Permits	Appropriation for Water Rights/Permits limited by Volume (acre-feet/year)	Appropriation for Water Rights/Permits limited by Diversion Rate (cfs)	Total Estimated Use (acre-feet/year)
RWS	13	N/A	2.657	1,154.8
SHD	20	N/A	3.145	1,366.9
REC	2	N/A	0.203	88.2
COM	35	121	3.32	1,565.3
DOM	13	N/A	1.43	623
FWP	6	48	0.40	220
GEO	2	N/A	0.24	104.3
INS	1	N/A	0.1	43.5
IND	8	N/A	0.868	377.3
MUN	14	N/A	4.33	1,882
WDS	1	30	N/A	30
TOTAL:	115	169	16.7	7,455
RWS: Rural Water System, SHD: Suburban Housing Development, REC: Recreation, COM: Commercial, DOM: Domestic,				
FWP: Fish & Wildlife Propagation, GEO: Geothermal, INS: Institutional, IND: Industrial, MUN: Municipal, WDS: Water Distribution System				

There are 16 water rights/permits currently authorized to appropriate water from the Inyan Kara aquifer for irrigation use (Water Rights, 2026c). Generally, irrigation water rights/permits are required to report their annual water usage. The average annual withdrawal rate for irrigation appropriations for the Inyan Kara aquifer (that have reported) over the period of record (1982-2024) is approximately 81.7 acre-feet per year (Table 6) (Water Rights, 2026a). To reflect the current development of irrigation water rights/permits more accurately, the estimated average annual withdrawal rate for the irrigation appropriations from 2015 to 2024 is approximately 113.3 acre-feet per year (Table 6) (Water Rights, 2026a). Currently, 11 out of the 16 irrigation water rights/permits are required to report their annual water usage. Table 6 lists ten water rights/permits as reporting as Water Permit No. 8334-3 is still within their respective construction period and has not reported any withdrawals from the aquifer at this time (Water Rights, 2026a and 2026c). The ten irrigation water rights/permits that are not required to report, are still within their construction period, or have not reported any withdrawals from the aquifer at this time are assumed to apply twelve inches of water (compared to maximum allowable volume of two acre-feet per year) over the 528.5 acres permitted/licensed, which results in a withdrawal rate of approximately 528.5 acre-feet per year (Water Rights, 2026c). Generally, irrigators in South Dakota apply less than one foot of water per acre per year. However, to account for the fluctuation in wet and dry cycles from year to year, the one foot of water per acre per year application rate will be used to somewhat overestimate the annual withdrawal rate for these irrigation water rights/permits. The collective estimated average annual withdrawal rate for the irrigation appropriations from 2015 to 2024 (113.3 acre-feet/year), plus the estimated average annual withdrawal rate for the irrigation water permits still within their construction period (528.5 acre-feet/year), is approximately 641.8 acre-feet/year (Table 6) (Water Rights, 2026a and 2026c).

Table 6. Reported historic irrigation use from the Inyan Kara aquifer (Water Rights, 2026a)

Year	No. of Permits Reporting	Reported Pumpage (ac-ft)
1982	5	2.53
1983	7	33.17
1984	8	4.5
1985	8	224.6
1986	7	4
1987	6	38
1988	6	54.10
1989	8	18.82
1990	8	33.5
1991	9	25.12
1992	9	26
1993	9	36.41
1994	9	30.56
1995	10	37.42
1996	8	19.81
1997	8	6
1998	8	20.75
1999	6	14.18
2000	6	25.27
2001	6	53.23
2002	7	87.83
2003	6	111.90
2004	7	143.48
2005	7	132.51
2006	8	136.04
2007	8	141.86
2008	9	130.51
2009	9	98.93
2010	9	112.57
2011	9	129.79
2012	9	188.76
2013	9	146.48
2014	9	112.25
2015	7	105.82
2016	7	177.81
2017	8	183.55
2018	9	99.92
2019	10	70.61
2020	11	95.46
2021	11	114.27
2022	10	97.11
2023	10	97.22
2024	10	91.65
Min	5	2.53
Max	11	224.6
Avg (1982 to 2024)	8	81.7
Avg (2015 to 2024)	9	113.3

Uncontrolled, flowing wells are discharging water from the Inyan Kara aquifer at ground surface, and it is expected water from the aquifer is also being discharged to other aquifers if wells completed into the Inyan Kara aquifer have experienced casing failure. It is currently unknown how much water is being discharged from the Inyan Kara aquifer through uncontrolled, flowing wells. The Water Management Board has previously determined water being discharged through uncontrolled, flowing wells from the Dakota aquifer is not a beneficial use and does not constitute appropriation pursuant to SDCL 46-6-3.1 (Water Rights, 1987). Since discharge from uncontrolled flowing wells is likely to continue until water levels in the aquifer decline to being at or below ground surface, continuing to allow beneficial pumping to occur reduces the amount of water being discharged to waste. Therefore, the Water Management Board has allowed development of the Dakota and Inyan Kara aquifers to continue.

There are domestic wells completed into the Inyan Kara aquifer that do not require a water right/permit, so the withdrawal amount for domestic use is unknown (Water Rights, 2026d). Since the introduction of rural water systems, many domestic wells are likely no longer in use or are not being used as primary water sources. Due to their relatively low diversion rates and the availability of rural water, withdrawals from domestic wells are not considered to be a significant portion of the hydrologic budget for the Inyan Kara aquifer.

Hydrologic Budget Summary

The estimated average annual recharge to Inyan Kara aquifer is approximately 30,406 acre-feet per year (Bredehoeft et al., 1983; Medler and others, 2025). The estimated average annual withdrawal rate from the Inyan Kara aquifer totals approximately 14,074 acre-feet per year (including the estimated use for Water Permit Application No. 2094-2, if approved) (listed on Table 7). Based on the hydrologic budget, there is a reasonable probability unappropriated water is available from the Inyan Kara aquifer for the proposed appropriation.

Table 7. Estimated use from Inyan Kara aquifer (Water Rights, 2026a, 2026c, and 2026f)

Inyan Kara Aquifer Use Type	No. of Permits	Estimated Withdrawal Rate (acre-feet/year)
Irrigation (required to report) (average 2015 to 2024)	11	113.3
Irrigation (not required to report or have not reported withdrawals at this time)	5	525.5
CAFO (not required to report) (diversion rate limited)	14	1432
Standby/Hooked up to RWS (MUN/SHD)	11	0
Non-Irrigation (required to report to Water Rights Program or Drinking Water Program)	58	4,132
Non-Irrigation (not required to report)	115	7,455
Total Number of Permits :	214	
Future Use Permit No. 1780-2		142
Water Permit Application No. 2686-2 - Abeyance		274.2
Total Withdrawal Rate (acre-feet/year):	216	14,074

Localized Hydrologic Budget

The existing well site is located outside of the subareas identified in Medler and others (2025), so information was not available to prepare a localized budget.

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 of the aquifer.

Observation wells provide data on how the aquifer reacts to regional climatic conditions and local pumping. The DANR-Water Rights Program monitors nine observation wells completed into the Inyan Kara aquifer (Water Rights, 2026b). The three closest observation wells to the well the applicant proposes to use are PE-95B (approximately 11.5 miles northwest), PE-95E (approximately 15.4 miles northwest), and CU-83B (approximately 16.8 miles southwest), (as shown in Figure 1) (Water Rights, 2026b). The hydrographs for these observation wells are displayed in Figure 2 (Water Rights, 2026b). The data points utilized to construct the hydrographs are measurements of the static water level in the observation wells from the top of the well casing.

Observation well PE-95E is approximately 1.2 miles from the nearest Inyan Kara Formation outcrop, which is a primary recharge area for the Inyan Kara aquifer. As such, the hydrograph for PE-95E is more reactive to the magnitude of recharge occurring on the outcrop than areas downgradient from the outcrop, resulting in observation wells near the outcrop showing greater fluctuations to seasonal recharge and withdrawals than observation wells further away. Additionally, a decline in water levels in a confined aquifer does not necessarily indicate a significant decrease in water stored in the aquifer, as water levels above the top of the aquifer materials are representative of the hydraulic head (water pressure) inside the aquifer. As development of the Dakota aquifer increased, the decline in hydraulic head in the aquifer created a pressure variance between the Dakota and Inyan Kara aquifers, which causes water to flow from the Inyan Kara aquifer to the Dakota aquifer. If there is a difference in hydraulic head between the two aquifers, flow will continue between the two. In the future, it is possible flows between the Dakota and Inyan Kara aquifers will reach a state of equilibrium. The Water Management Board has previously determined that it is better to allow the Dakota aquifer water to be put to beneficial use than it is to allow it to flow to waste through things like uncontrolled flowing wells (Water Rights, 1987). That conclusion is expected to apply to the Inyan Kara aquifer as well.

The water level readings on the hydrographs for observation wells PE-95B, PE-95E, and CU-83B display stable to increasing water levels over their respective periods of record. The hydrographs for these observation wells were compared to hydrographs for other observations wells completed into the Inyan Kara aquifer in the Black Hills and each displayed a generally similar trend as shown on the hydrographs displayed in Figure 2 (Water Rights, 2026b).

Overall, the effects of climatic conditions are clear on the hydrographs because water levels are rising during wetter periods (early spring snowmelt and precipitation) and slowly declining to a stable water level during drier periods. The hydrographs show the aquifer consistently recovers seasonally and the stable to rising water levels in observation wells show the aquifer is not being stressed by pumping. Aquifer recovery indicates that climatic conditions and therefore, recharge to and natural discharge from the aquifer govern changes in the water level of the Inyan Kara aquifer rather than pumping. That means recharge to and natural discharge from the aquifer greatly exceeds withdrawals. By recognizing that both recharge to and natural discharge from an aquifer can be captured for pumping, the observation well hydrographs demonstrate there is a reasonable probability unappropriated water is available for the proposed appropriation.

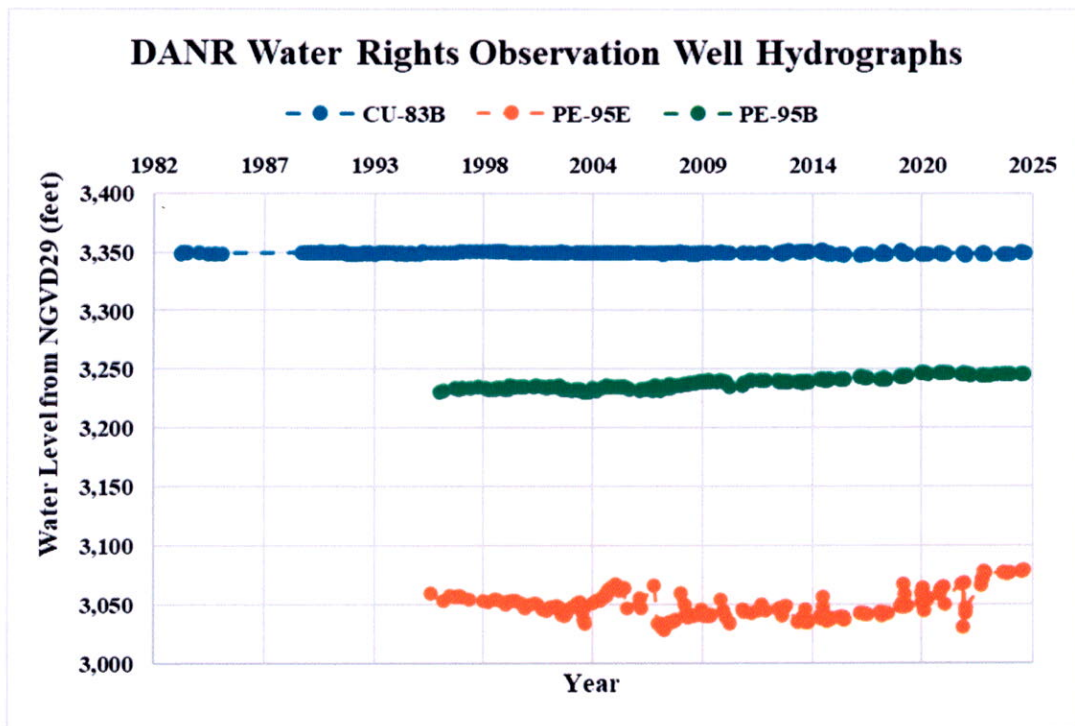


Figure 2. Hydrograph for observation well CU-83B, PE-95E, and PE-95B (Water Rights, 2026b)

POTENTIAL FOR UNLAWFUL IMPAIRMENT OF EXISTING WATER RIGHTS:

Currently, there are 211 water rights/permits authorized to appropriate water from the Inyan Kara aquifer, plus one future use permit reserving water, and plus Water Right/Permit Nos. 6011-3, 6091-3, 6128-3 and 6257-3 as they are authorized to withdraw from the Dakota and Inyan Kara aquifers (Water Rights, 2026c). The closest water right/permit to the existing well site is Water Right No. 2601-2, which is held by Grandview Land LLC. The diversion point for Water Right No. 2601-2 is located approximately four miles west-northwest of the existing well proposed to be used by this application (Table 8) (Figure 3) (Water Rights, 2026c).

There are domestic wells on file with the DANR-Water Rights Program that are completed into the Inyan Kara aquifer, with the closest domestic well on file (not held by the applicant) approximately one mile west of the existing well site (Water Rights, 2026d). There could

potentially be other domestic wells completed into the Inyan Kara aquifer near the well the applicant proposes to use that are not on file with the DANR-Water Rights Program.

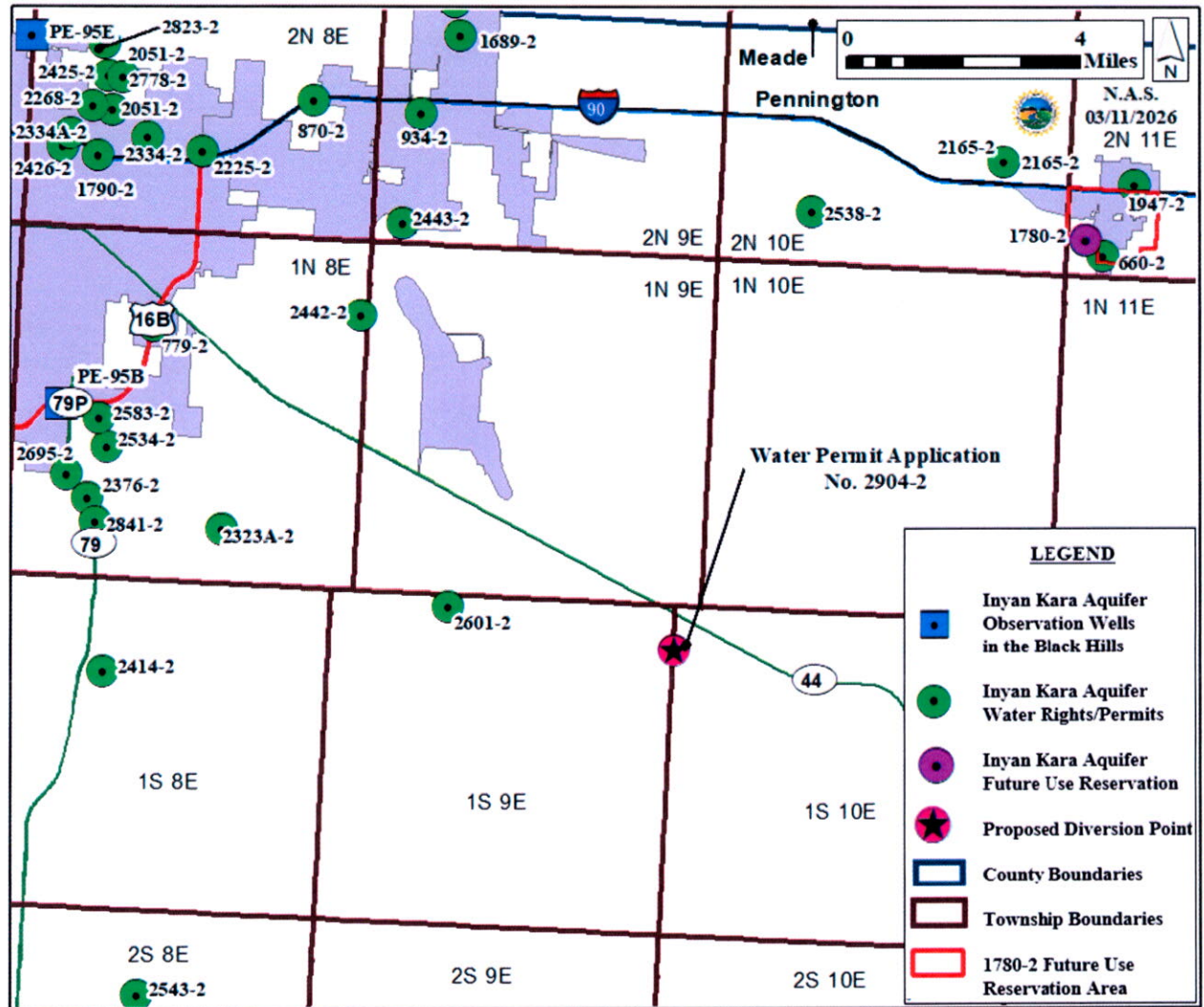


Figure 3. Location of the existing well proposed to be used by Water Permit Application No. 2904-2 (Water Rights, 2026d) with the Inyan Kara aquifer water rights/permits, future use permit, and observation wells within approximately eleven miles (Water Rights, 2026b and 2026c)

Table 3. Water rights/permits and the future use permit authorized to withdraw from the Inyan Kara aquifer as shown in Figure 4 (Water Rights, 2026c)

Permit No.	Name	Status	Use	Authorized Acres if IRR	Authorized Diversion Rate (cfs)	Licensed/Permitted/Reserved Volume (acre-feet/year)
660-2	Town of New Underwood	LC	MUN	N/A	0.45	N/A
779-2	Rapid Valley Sanitary District	LC	SHD	N/A	1	N/A
870-2	City of Box Elder	LC	MUN	N/A	0.18	N/A
934-2	City of Box Elder	LC	MUN	N/A	0.24	N/A
1689-2	City of Box Elder	LC	MUN	N/A	0.36	N/A
1780-2	Town of New Underwood	FU	MUN	N/A	0	142
1790-2	Berry Patch Campground	LC	COM	N/A	0.17	N/A
1947-2	Town of New Underwood	LC	MUN	N/A	0.41	N/A
2051-2	CVRC Limited Partnership	LC	COM	N/A	0.356	N/A
2165-2	Tightline Lake Estates Homeowners Assn	LC	COM, DOM, REC, SHD	N/A	0.07	N/A
2323A-2	Zita Kwartek	LC	IRR	9.20	0.03	N/A
2225-2	Flying J Travel Plaza	LC	COM	N/A	0.155	N/A
2268-2	Prairie Acres LLC	LC	SHD	N/A	0.22	N/A
2334-2	Croell Inc	LC	RWS	N/A	0.067	N/A
2334A-2	Croell Inc	PE	IND	N/A	0.067	N/A
2376-2	Signature Water Company	LC	COM, DOM	N/A	0.02	N/A
2414-2	Pirates Cove Rapid City	LC	SHD	N/A	0.1	N/A
2426-2	Countryside Estates LLC	LC	IRR, COM	1.45	0.067	N/A
2425-2	Rainbow Water Co Inc	LC	SHD	N/A	0.111	N/A
2442-2	Carlton Peterson	LC	SHD	N/A	0.09	N/A
2443-2	Rushmore Hockey Association	LC	IRR, DOM	4.80	0.07	N/A
2534-2	JKRK Properties LLC	LC	REC	N/A	0.033	N/A
2538-2	Southern Black Hills Water System	PE	SHD	N/A	0.244	N/A
2543-2	JKRK Properties LLC	LC	SHD	N/A	0.19	N/A
2583-2	Carroll Korb	LC	COM	N/A	0.033	N/A
2601-2	Grandview Land LLC	LC	SHD	N/A	0.33	206
2695-2	H & H Investments LLC	LC	COM	N/A	0.04	N/A
2778-2	Western Construction Inc	PE	COM, IND	N/A	0.17	31
2832-2	Reel Simple LLC	PE	WDS	N/A	0.044	10
2841-2	Hwy 79 LLC	PE	COM, WDS	N/A	0.89	217.9
LC: Licensed Water Right; PE: Water Permit; FU: Future Use Reservation; COM: Commercial; DOM: Domestic; IND: Industrial; IRR: Irrigation;						
MUN: Municipal; SHD: Suburban Housing Development; WDS: Water Distribution System						

The Inyan Kara aquifer is primarily under confined conditions, except where it outcrops in the Black Hills (SDGS, 2026; Water Rights, 2026b and 2026d). Based on the submitted well completion report, well completion reports on file for nearby wells completed into the aquifer, and lithologic logs on file for nearby observation wells, the Inyan Kara aquifer is confined at the existing well location (SDGS, 2026; Water Rights, 2026b and 2026d). Drawdown created by pumping a well generally does not extend far from the pumped well in an unconfined aquifer; however, in a confined aquifer, drawdown from pumping could extend a distance from the diversion point. The exact drawdown behavior of a well cannot be known without an aquifer performance test; however, observation wells completed into the Inyan Kara aquifer near licensed/permitted diversion points can provide some insight on how the aquifer responds to pumping.

Observation well PE-95E (approximately 15.4 miles northwest of the existing well site) has two high-yield (assumed to be a well with an authorized diversion rate greater than 0.2 cfs) wells within approximately two miles of it (Water Rights, 2026b and 2026c). The drawdown from pumping can be seen on the hydrograph for PE-95E, along with the aquifer returning to pre-pumping conditions seasonally (Figure 3) (Water Rights, 2026b). The lithologic log on file for PE-95E noted the well was drilled approximately 1,450 feet below the ground surface, has a casing stick up height of zero feet, and the top of aquifer materials at approximately 1,080 feet below the ground surface (SDGS, 2026). The lowest recorded static water level on the hydrograph is approximately 207 feet below the top of the well casing, which indicates there was still approximately 875 feet of artesian head pressure in PE-95E even during a drier period when wells are expected to be pumping more water and when water levels are generally naturally lower in response to drier conditions (SDGS, 2026; Water Rights, 2026b).

At the existing well site, the Inyan Kara aquifer has an average saturated thickness of approximately 260 feet with the depth to top of aquifer materials approximately 2,295 feet below the ground surface according to the well completion report submitted with Water Permit Application No. 2904-2 (Water Rights, 2026d). This would generally allow for enough thickness for a pump to be placed 20 feet below the top of the aquifer, which is required for the well to be considered adequate under ARSD 74:02:04:20(6). Any drawdown as a result of the diversion for this application is not expected to unlawfully impair nearby adequate wells. In Meade and Pennington Counties, there are no substantiated complaints on file with the DANR-Water Rights Program regarding well interference for adequate wells completed into the Inyan Kara aquifer (Water Rights, 2026e).

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). 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. However, 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 Inyan Kara aquifer at the applicant's location, and the lack of well interference complaints, any drawdown created from the proposed diversion is not expected to cause an unlawful impairment to existing water right/permit holders or domestic uses 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 Considerations: Adequate Well Required

ARSD 74:02:04:36 provides alternative well construction standards for certain Inyan Kara aquifer wells that will be used for "private and reasonable domestic use and for noncommercial livestock watering." Wells constructed according to those standards do not meet the ARSD 74:02:04:20(6) definition of an adequate well because a pump cannot be placed in the formation using that construction method. This application is not for private reasonable domestic use or for noncommercial livestock watering, so any replacement well that may be drilled in the future must be an adequate well and may not use the alternative well construction method previously mentioned.

CONCLUSIONS:

1. Water Permit Application No. 2904-2 proposes to appropriate up to 46 acre-feet of water annually at a maximum instantaneous diversion rate of 0.10 cfs (approximately 45 gpm) from one existing well completed into the Inyan Kara aquifer (2,615 feet deep). The water is for use in a water distribution system serving connections in portions of Sections 13, 24, 25, and 26; all in T1S-R9E & portions of Sections 6, 7, 19, & 30; all in T1S-R10E. The site of interest is located in Pennington County approximately ten miles southeast of Rapid City, SD.
2. Based on the hydrologic budget and observation well data, there is a reasonable probability that unappropriated water is available from the Inyan Kara aquifer to supply the proposed appropriation.
3. There is a reasonable probability that the proposed diversion by Water Permit Application No. 2904-2 will not unlawfully impair adequate wells for existing water rights/permits and domestic uses.

Nakaila Steen

Nakaila Steen
Natural Resources Engineer III
SD DANR - Water Rights Program

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Dewell, Amanda

From: Dewell, Amanda
Sent: Tuesday, January 27, 2026 9:52 AM
To: Brian Hammerbeck
Cc: Rodriguez, Rachel
Subject: RE: [EXT] H&H Land Co #2 - deep well

Brian,

I've received your application and passed it on to Rachel (cc'd) who will begin putting it through the process once the fees have been received. The total for this application would be \$500.00 as we've agreed to waive the licensing/inspection fee, which was previously paid under Permit No. 2842-2. Fees may be paid over the phone by calling our Fiscal Office (605) 773-5559 or by mailing a check (payable to SD Water Rights) to: DANR – Water Rights Program, 523 E Capitol Ave, Pierre SD 57501.

Additionally, when we spoke on the phone yesterday you indicated that the shallow well authorized under Permit No. 2842-2 was being used exclusively to water pastured livestock, with all water for the distribution system being provided by the deeper well. Since there is no limit or permitting required for watering pastured livestock, the Water Rights Program will be pursuing cancellation of Permit No. 2842-2. Having a permit cancelled does not prevent you from applying for a new permit in the future.

Please let me know if you have any questions or concerns.
Thank you,

Amanda Dewell
DANR - Water Rights Program
Permitting Administrator
Main Phone: 605 773-3352
Website: danr.sd.gov



From: Brian Hammerbeck <brianhammerbeck@gmail.com>
Sent: Monday, January 26, 2026 4:24 PM
To: Dewell, Amanda <Amanda.Dewell@state.sd.us>
Subject: Re: [EXT] H&H Land Co #2 - deep well

Amanda D,

Thank you for helping us work through this!

Attached is are pictures of the two pages of the new application. I think 46-acre feet is a good number (46 x 325,851.43 gallons = 14,989,165.78 total gallons).

Thank you again and let me know what comes next.

Brian H

From: Dewell, Amanda <Amanda.Dewell@state.sd.us>
Date: Monday, January 26, 2026 at 12:48 PM
To: Brian Hammerbeck <brianhammerbeck@gmail.com>
Subject: RE: H&H Land Co #2 - deep well

Brian – I took a little time to float your response around with other administrative staff to see if they could see another way to make this work. Unfortunately, all agreed unanimously that HH2 would not qualify for a future use permit. However, I would still recommend applying for a permit to divert the maximum amount of water you believe it will take to supply the development. If approved, you would be issued a permit and allowed up to 5 years to complete the well and water supply system; after which you would be able to supply water to additional homes/units so long as the volume of water or rate of withdrawals did not increase. If in 5+ years you realize you need more water than you are permitted, you would have to apply for additional permitting.

Amanda Dewell
DANR - Water Rights Program
Permitting Administrator
Main Phone: 605 773-3352
Website: danr.sd.gov



From: Brian Hammerbeck <brianhammerbeck@gmail.com>
Sent: Wednesday, January 21, 2026 2:40 PM
To: Dewell, Amanda <Amanda.Dewell@state.sd.us>
Subject: Re: [EXT] H&H Land Co #2 - deep well

Amanda D,

You're raising very good questions.

I read through 46-5-38 and the only one I think that goes close is 46-5-38 (5) Nonprofit rural water system serving a rural area. Technically, HH2 is not a non-profit today, but the plan for the water system is going to be to run it at basically break-even. The idea of the water system was never to be a profit-generating entity -just cover costs and some future maintenance. However, we're again technically not a non-profit. I really need to talk to our certified water operator (Marilee Sage & Team) to get a better idea of the "non-profit" side of what we're doing.

What does it mean if we do not qualify for the "future use of water" as defined? Does it mean we have to reapply for additional water in five years? Thinking out loud...

Thank you.

Brian H

46-5-38. Future use of water--Entities entitled to reserve

The following entities may reserve water for consumption as set forth in chapter 46-2A:

- (1) A state institution, facility, or agency;
- (2) A municipality as defined in § 9-1-1;
- (3) The South Dakota Conservancy District or a conservancy district;
- (4) A water user district as defined in § 46A-9-2;
- (5) A nonprofit rural water supply company as defined in chapter 46-5-38.
The term "rural area" may include a municipality.
- (6) A sanitary district as defined in chapter 34A-4;
- (7) An irrigation district as defined in chapter 46-5-38;
- (8) A water project district as defined in chapter 46-5-38.

Source: [SL 1955, ch 430](#), § 1; SDC Supp 1960, § 61.0

From: Dewell, Amanda <Amanda.Dewell@state.sd.us>

Date: Wednesday, January 21, 2026 at 12:28 PM

To: Brian Hammerbeck <brianhammerbeck@gmail.com>

Subject: RE: H&H Land Co #2 - deep well

Thank you, Brian - waiting on additional information regarding area of use. Additionally, I tried looking into whether H & H Land Co #2 would qualify for "Future Use" reservations of water and I could not find any supporting evidence on the Secretary of State's webpage. Could you review the list of qualifying entities outlined in [Codified Law 46-5-38 | South Dakota Legislature](#) and provide any supporting documentation you may have?

Amanda Dewell
DANR - Water Rights Program
Permitting Administrator
Main Phone: 605 773-3352
Website: danr.sd.gov

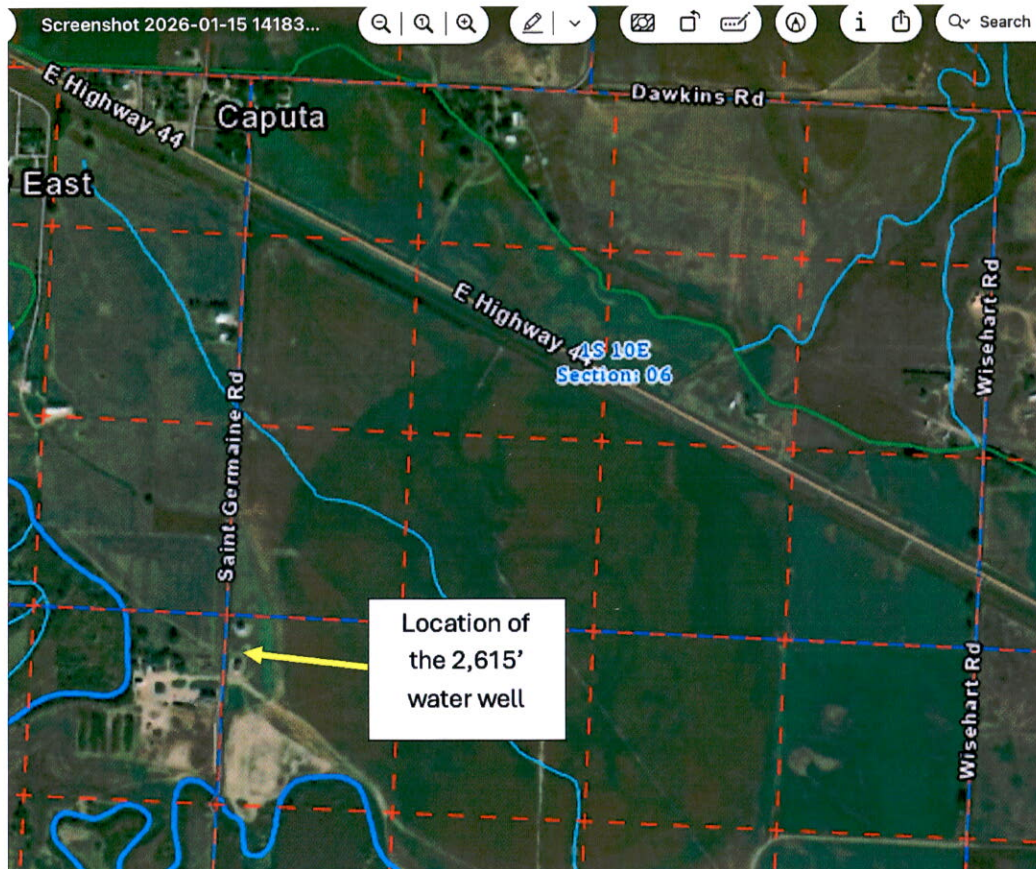


From: Brian Hammerbeck <brianhammerbeck@gmail.com>
Sent: Thursday, January 15, 2026 4:18 PM
To: Dewell, Amanda <Amanda.Dewell@state.sd.us>
Subject: Re: [EXT] H&H Land Co #2 - deep well

Amanda D,

This is the location of the 2,615' well. More information to be emailed.

Brian



From: Dewell, Amanda <Amanda.Dewell@state.sd.us>
Date: Thursday, January 15, 2026 at 1:25 PM
To: Brian Hammerbeck <brianhammerbeck@gmail.com>
Subject: RE: H&H Land Co #2 - deep well

Brian – I've taken a look at your responses and drafted the attached application accordingly. Please review and complete the sections highlighted in green. I've also attached an aerial image of that area. Can you please mark up that image to show the location of the well and the development water is being provided water to?

Amanda Dewell
DANR - Water Rights Program
Permitting Administrator
Main Phone: 605 773-3352
Website: danr.sd.gov



From: Brian Hammerbeck <brianhammerbeck@gmail.com>
Sent: Tuesday, January 13, 2026 4:35 PM
To: Dewell, Amanda <Amanda.Dewell@state.sd.us>
Cc: Drennon, Kim <Kim.Drennon@state.sd.us>
Subject: Re: [EXT] H&H Land Co #2 - deep well

Amanda D,

Answers to your questions are below in red. Thank you for your help to fix this problem.

Brian H

From: Dewell, Amanda <Amanda.Dewell@state.sd.us>
Date: Tuesday, January 13, 2026 at 3:19 PM
To: BRIANHAMMERBECK@GMAIL.COM <BRIANHAMMERBECK@GMAIL.COM>
Cc: Drennon, Kim <Kim.Drennon@state.sd.us>
Subject: H&H Land Co #2 - deep well
Brian –

This email is following up on this morning's conversation regarding water use under Permit No. 2842-2, which authorizes diversion from an existing well (42') and a new well (50'), which you said was actually completed to a depth of 2615'. As discussed, the completion of the second well into a much deeper aquifer will require additional permitting to be obtained. I'm happy to put together a new permit application for you to review but there are a few things I'll need to know before hand:

1. Do you have a well completion report for the deep well? Kim (cc'd) would like to review that to determine the targeted aquifer. **A picture of the well report is attached to this email.**
2. WP No. 2842-2 authorized an annual volume of 46 acre-feet (14,989,146 gallons/year) at a maximum pump rate of 0.09 cfs (approx. 40 gpm). Of that, how much is currently being produced from the shallow well? **Are you asking how many gpm we pump from the 2,615' well now? If so, the answer is we run the well pump at about 30 gpm max -the well would produce more gpm, but we don't need that. My intent was the 2,615' well was authorized for the 46-acre-feet of water when everything is at 100% full buildout.**
- 3.
4. What is the production rate of the deep well (GPM)? **The well report shows 40 gpm.**
- 5.
6. Are both wells being used for the water distribution system & livestock watering? **No. We were using both at one point for both water distribution and livestock, but no longer. The 2,615' well is being used for the water distribution system and the 42' well is being used for livestock watering. Our water system utilizes the 2,615' well and it would be great if I had authorization to drill and add another shallow well (say 200' max or so) if necessary at some point in the future in case there were problems with the 2,615' well - don't know if this is possible or not.**

Thank you,

Amanda Dewell

DANR - Water Rights Program
Permitting Administrator
Main Phone: 605 773-3352
Website: danr.sd.gov





**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.**

March 30, 2026

H & H Land Co. #2 LLC
c/o Brian Hammerbeck
1424 Pevans Parkway
Rapid City SD 57701

Dear Mr. Hammerbeck:

Water Permit Application No. 2904-2 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 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. 2904-2 to Appropriate Water

Notice is given that H & H Land Co. #2 LLC, 1424 Pevans Parkway, Rapid City SD 57701, has filed an application for a water permit to appropriate up to 46 acre-feet of water annually at a maximum pump rate of 0.10 cubic feet of water per second from one existing well completed into the Inyan Kara Aquifer (2,615 feet deep) located in the NW 1/4 NW 1/4 Section 7-T1S-R10E for use in a water distribution system serving connections in portions of Sections 13, 24, 25, and 26; all in T1S-R9E & portions of Sections 6, 7, 19, and 30; all in T1S-R10E. This site is located in Pennington County, approximately ten miles southeast of Rapid City SD.

Pursuant to SDCL 46-2A-2, the Acting Chief Engineer recommends APPROVAL of Application No. 2904-2 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. The Acting Chief Engineer's recommendation with qualifications, the application, and staff report are available at <https://danr.sd.gov/public> or contact Amanda Dewell 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 April 17, 2026.

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 April 17, 2026.

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: Renniel Pasia <leelegals@column.us>
Sent: Monday, March 30, 2026 9:34 AM
To: Rodriguez, Rachel; brianhammerbeck@gmail.com
Subject: Re: [EXT] 2904-2 H & H Land - Public Notice

Hi there,

Your notice is scheduled to be published in the The Rapid City Journal on April 7, 2026. Your payment must be received by April 1, 2026 at 2:00 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:

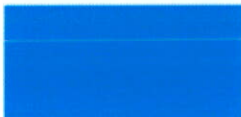
www.column.us/invoices/9HhjOJdTYCszl871yrFv/pay. Your Notice ID is:
[f2okqLYLG9T2GC1zoL1i](http://www.column.us/invoices/9HhjOJdTYCszl871yrFv/pay)

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

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

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

—
// Renniel





On March 30, 2026 at 9:37 AM EDT rachel.rodriguez@state.sd.us wrote:

Attached is a notice to be published on April 7, 2026.

H & H Land Co. #2 LLC, 1424 Pevans Parkway, Rapid City SD 57701, 605-381-3810, brianhammerbeck@gmail.com has been notified to contact you to authorize publication and arrange for payment.

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

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

Thank you,

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



AFFIDAVIT OF PUBLICATION

Brian undefined

State of Florida, County of Orange, ss:

I, Anjana Bhadoriya, of lawful age, being duly sworn upon oath depose and say that I am an agent of Column Software, PBC, duly appointed and authorized agent of the Publisher of The Rapid City Journal, a corporation of Rapid City, South Dakota, a legal and daily newspaper printed and published in Rapid City, in said County of Pennington, and has full and personal knowledge of all the facts herein stated as follows: that said newspaper is and at all of the times herein mentioned has been a legal and daily newspaper with a bonafide paid circulation of at least Two Hundred copies daily, and has been printed and published for at least one year prior to the first date of the published notice. This affidavit is a true and corrected copy of notice which appeared in said newspaper on the following dates.

Publication Dates:

- Apr 7, 2026

NOTICE ID: f2okqLYLG9T2GC1zoL1i

NOTICE NAME: 2904-2 H & H Land - Public Notice

TOTAL AD COST: \$80.66

Anjana Bhadoriya

Agent

VERIFICATION

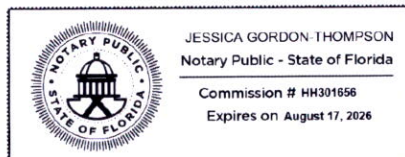
State of Florida
County of Orange

Signed or attested before me on this: 04/08/2026

J. R.

Notary Public

Notarized remotely online using communication technology via Proof.



NOTICE OF APPLICATION NO.

2904-2 to Appropriate Water Notice is given that H & H Land Co. #2 LLC, 1424 Pevans Parkway, Rapid City SD 57701, has filed an application for a water permit to appropriate up to 46 acre-feet of water annually at a maximum pump rate of 0.10 cubic feet of water per second from one existing well completed into the Inyan Kara Aquifer (2,615 feet deep) located in the NW 1/4 NW 1/4 Section 7-T1S-R10E for use in a water distribution system serving connections in portions of Sections 13, 24, 25, and 26; all in T1S-R9E & portions of Sections 6, 7, 19, and 30; all in T1S-R10E. This site is located in Pennington County, approximately ten miles southeast of Rapid City SD.

Pursuant to SDCL 46-2A-2, the Acting Chief Engineer recommends APPROVAL of Application No. 2904-2 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. The Acting Chief Engineer's recommendation with qualifications, the application, and staff report are available at <https://danr.sd.gov/public> or contact Amanda Dewell 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 April 17, 2026.

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

RECEIVED

APR 16 2026

**Water Rights
Program**

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 April 17, 2026.

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 April 7, 2026 for a total approximate cost of \$80.66 and may be viewed for free at www.sd-publicnotices.com)
Legal No: COL-SD-4526

RECEIVED

APR 16 2026

Water Rights
Program

Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Monday, March 30, 2026 9:50 AM
To: Brian Hammerbeck
Subject: 2904-2 H & H Land - Public Notice
Attachments: 2904-2 Rec.pdf; 2904-2 Ltr.pdf; 2904-2 PubNotice.pdf; Re: [EXT] 2904-2 H & H Land - Public Notice; RapidCityJournal Info.pdf

Good Morning Brian,

Attached is a copy of the report, acting chief engineer's recommendation, and information regarding the public notice for your water permit application. **Please note that payment must be received by April 1, 2026, at 2pm MDT.** 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 confirm receipt of this email.

Thank you,

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





**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

May 15, 2026

H & H Land Co. #2 LLC
c/o Brian Hammerbeck
1424 Pevans Parkway
Rapid City SD 57701

Dear Mr. Hammerbeck:

Enclosed is Water Permit No. 2904-2 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,

Adam Mathiowetz, PE
Acting Chief Engineer
Water Rights Program

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.: 2904-2

Name of Applicant: H & H Land Co. # 2 LLC, c/o Brian Hammerbeck

Date of Posting: 4/7/2026

Date of Removal: 5/15/2026

Amanda Dewell, Permitting Administrator

5/15/2026

Date

Subscribed and sworn to before me, a notary public, this 15th day of May, 2026.

Notary Public - South Dakota

My commission expires **Rachel Rodriguez**
My Commission Expires
May 16, 2029

(SEAL)

